GOVERNMENTALITY AND THE NEW SPIRIT OF EXPLOITATION:

THE POLITICS OF LEGITIMACY AND RESISTANCE TO CANADIAN MINING IN GUATEMALA AND HONDURAS

by

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A dissertation

presented to York/Ryerson Universities

in partial fulfillment of the

requirements for the degree of

Doctor of Philosophy

in the

Joint Graduate Programme in Communication and Culture

Toronto, Ontario, Canada, 2013

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Abstract

Dissertation Title: Governmentality and the New Spirit of Exploitation: The Politics of Legitimacy and Resistance to Canadian Mining in Guatemala and Honduras

Degree: Doctor of Philosophy

Year of Convocation: 2013

Author: Steven Schnoor

Program: Joint Graduate Programme in Communication and Culture

University: York/Ryerson Universities, Toronto

The activities of Canadian mining companies operating abroad are often carried out under the banner of bringing badly-needed development and democracy to impoverished regions of the globe. Many of these projects, however, can often lead to increased poverty, conflict and insecurity in communities near the mines. There have also been egregious violations of human rights and grave environmental damages documented at Canadian mines worldwide. As a result, numerous countries in the Americas and beyond have seen burgeoning grassroots resistance movements rejecting the presence of Canadian extractive projects on their territory — movements that are almost invariably rejected as illegitimate by industry and Canadian government representatives, and almost always repressed by host country governments.

Using critical discourse analysis and Foucault's work on governmentality and biopower, this dissertation argues that discourses of democracy and development are increasingly being used to advance projects that are often fundamentally anti-democratic, destructive and exploitative, and that this represents a critical component of a nascent strategy by which neoliberal regimes of capital accumulation are advanced and legitimized today. Through discursive construction of Canadian mining regimes as purveyors of collective "development," and strategic delegitimization of critics of Canadian mining activities as

irrational, radical, dangerous threats to the betterment of society at large, support for the mine is galvanized and conflict surrounding the mine intensifies.

This argument is grounded in exploration of three case studies: two open-pit gold/silver mines owned/operated by Goldcorp — their Honduran San Martín mine and their Guatemalan Marlin mine — and the politics of land claims near a non-functioning Guatemalan nickel mine previously owned by Canada's Skye Resources and HudBay Minerals. Further evidence for this argument is offered in two accompanying documentary films that I have produced, exploring these particular case studies. In demonstrating how foot soldiers are being enlisted into an army that defends the interests of Canadian mining companies and the neoliberal economic order that they proliferate and prosper from — despite the fact that local benefits may be negligible and the harms incurred can be severe — this dissertation seeks to shed light upon a broader dynamic of resistance/counter-resistance playing out globally in areas beyond resource extraction.

Acknowledgements

First and foremost, I must thank my supervisor, Stuart J. Murray, for his endless and seemingly tireless encouragement, guidance and support over the years that this project came together. His pointed feedback has been invaluable in focusing and steering the arguments that are elaborated here. I am also very grateful toward the other members of my committee — Colin Mooers and Darin Barney. Darin's seminars at the Dept. of Communication Studies at McGill, which he graciously welcomed me to audit in 2007 and 2009, were particularly valuable in helping to till the soil in which the ideas explored in this dissertation germinated. I also thank Amin Alhassan for providing some very valuable feedback at an earlier stage of the writing process. I am grateful as well to those who participated in the final steps — Rob Teigrob, defence committee chair Michelle Dionne, and external examiner David L. Clark, whose carefully considered report and spirited engagement in the defence are especially appreciated. I would also like to thank the Department of Communication Studies at Concordia University, where I have been teaching part-time since 2008, which helped to pay the bills while this dissertation was researched and written. The generosity of spirit of a number of my colleagues there has made the experience especially enjoyable. I am also grateful toward those students whom I have taught over the past five years who took the course materials seriously and engaged with them in class discussion in sincere and honest ways. What I learned from those encounters also helped to shape the ideas that form this text. The encouragement of friends and family members over the years also helped to push this process through to completion — especially when it seemed unlikely that this project would actually come to fruition. I am also immensely grateful to all those in southern Mexico and Central America who are affected by the problems explored here, and who openly shared their thoughts and experiences with me during my visits to

the region over the past several years. I extend the same feeling of gratitude to the many scholars and concerned citizens in Canada and beyond, who are also investing their energies into understanding the problems explored in these pages, and who were likewise most forthcoming in sharing their thoughts and experiences with me. Finally, while many people were invaluable in helping this project come together — indeed too many to list by name — any errors or omissions are ultimately my own.

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Prologue

In January of 2005, I travelled to Guatemala. I was volunteering with the small Canadian environmental NGO FogQuest,[1] which implements potable water projects in rural communities in the Global South. While many areas in the world lack adequate access to clean drinking water — including insufficient rainwater to meet a community's needs, some areas in higher altitudes may have an abundance of fog. FogQuest uses very simple technology to 'harvest' the fog and yield clean, safe drinking water. When an area is determined to be suitable for a project, large mesh nets are installed on foggy hillsides or mountaintops. At ten meters by four meters, they resemble over-sized volleyball nets. Cuts in the mesh are specially designed to allow the wind to pass through, and as it blows moisture-rich fog through the nets, they 'capture' the fog to yield clean, potable water: moisture accumulates on the mesh, then drips into a tray at the bottom of the net, which drains into a large plastic cistern. The mesh is composed of a synthetic fibre — polyethylene or polypropylene, which makes the nets especially resilient to the elements. No power is required — simply from wind blowing fog through the nets, they're able to yield an astonishingly abundant supply of fresh, clean drinking water.[2] It's amazing to see. Given that millions of people die annually from water-borne diseases contracted by consuming bacteria-tainted water, the urgent need for an initiative like this, as well as its remarkable simplicity, inspired me to get involved with this organization.[3]

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[1] See http://www.fogquest.org

[2] Depending upon environmental conditions, each net can yield an average of 200-1000 litres per day.

[3] According to the WHO/UNICEF report, "Progress on drinking water and sanitation" (March 2012), an estimated 780 million people lack safe drinking water; the World Health Organization estimates that 3.5 million people die annually of water-borne diseases (Prüss-Üstün, Annette, et. al. "Safer water, better health." WHO, 2008). Reports available at http://www.who.int/water_sanitation_health/publications/2012/jmp_report/en/index.html and http://www.who.int/quantifying_ehimpacts/publications/saferwater/en/index.html

This was both my first time working with FogQuest and my first time in Guatemala, but it wasn't FogQuest's first foray into the region. Others from the group had been to Guatemala previously, and I had been advised that part of our trip would entail follow-up visits with several communities where nets had been installed the year previous, where we would inspect the nets and provide any maintenance that may be required. We would also be putting up new nets in different communities, and would be looking for other communities that might be interested in a project in their area. Once in Guatemala, however, I quickly learned that the workers who had installed the nets the year previous had not done their 'cultural outreach' very well; some of our visits were not to maintain preexisting nets as planned, but to remove the nets from communities that had become increasingly hostile to FogQuest's presence and wanted all traces of the project removed. In some instances, locals had already hacked the nets down with machetes, and wanted us to come remove the other components, such as the large heavy posts, steel cable, winches, water meters, and so forth. They presumed that there is simply no way that we were whom we had claimed to be; giving a gift of free drinkable water seemed too good to be true. They feared a Trojan Horse, and assumed that in reality, we were clandestinely working for a Canadian mining company and the gift of water from a 'development NGO' was but the pretense that we employed to access their land and take soil samples in our preliminary scouting for minerals. Unfortunately, I later learned that this fear is not entirely unfounded. While we certainly were whom we had claimed to be, it is not uncommon for mining companies to be less-than-forthcoming with communities when they first enter the region for preliminary explorations.

On January 11, 2005, we traveled to a small village to take down a net, at the locals' request. We were a group of six — myself, three other Canadians, our translator and our driver. We arrived early in the afternoon and met up with the village representatives with whom

FogQuest had been dealing. Our presence there seemed to circulate quickly throughout the village, and community members emerged to catch a glimpse of us. The hostility of the locals toward us was palpable, as steely glares were sent our way as they walked past. The net that we were to remove was just a small test net that had been set up on a mountaintop. Before installing a large net, it was routine practice to install a small net of one square meter, in order to record water yields in that spot over a period of several months. Only if the yields were sufficiently plentiful would a large net be erected there. Given the evident hostility of locals towards us, I was relieved that we wouldn't be involved in the far more arduous and time-consuming task of removing a large net. Our apparently simple task was complicated, however, by the mistrust that had brought us there in the first place; the locals were not comfortable with all of us climbing to the top of the mountain to retrieve the equipment. They advised that only one of us could go, and that he would be accompanied by several community members. We chose our designated representative, and I waited with the others in the van at the base of the trail that led up to the mountaintop. As the hours passed that afternoon, we mulled the uncertainty of our predicament, and hoped for a speedy return of our colleague and a simple departure.

While we waited, a large protest was unfolding on the Pan-American highway below. Nearly six weeks previous, a large cylinder was being transported across the country. It had arrived by barge at the Atlantic port of Puerto Barrios, and had been slowly traveling across the country by flatbed semi-trailer to its destination in the western highlands of the country. At a point on the road known as Los Encuentros, the cylinder — at over 7m long and weighing over 50 tons — was too large to fit under a pedestrian bridge that crosses the highway. The truck pulled to the side of the road. As it was a curious sight to behold, people began asking about the destination and purpose of such a large, unusual piece of industrial machinery. When the

answers to these questions became known, larger problems developed for the cylinder's owners than mere logistics of transport.

Welders were dispatched to the scene, and when the workers arrived on the evening of December 2, 2004, to dismantle the bridge to allow the truck to pass, the response of the local population was swift and angry. Led by a local deputy mayor, Miguel Xep Castro, locals announced that the bridge is under their care, that permission had never been sought to dismantle it, and that it must therefore be left alone. It didn't help matters when the mayor of nearby Sololá, Esteban Toc Tzay, sought to deflect people's concerns by falsely stating that the cylinder is to be used to construct a bridge in the nearby department of Huehuetenango. He was nearly attacked by locals who were furious at his attempted deception. Trust was further eroded and tensions heightened when the truck's operators attempted to placate angry locals by falsely claiming that the cylinder is actually a piece of water purification equipment.[4] Outraged by the actual function of the cylinder and the various attempts to mislead them, and in the face of welders who were continuing to dismantle the bridge despite local objections, a group of several thousand angry inhabitants of nearby communities descended upon the workers. They smashed the windows of one of their trucks and burned down a large crane that had been set up to perform the critical task of stabilizing the offending piece of bridge while it was detached from its foundation, then hoisting it up to allow the truck to pass. The workers were forced to desist.[5] The truck then sat parked on the shoulder of the road, under armed guard, for nearly six weeks, while its owners contemplated their next move.

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[4] Edgar René Sáenz, "Bloquean ruta para evitar paso de cilindro." Prensa Libre, Dec. 4, 2004. Available at: http://www.prensalibre.com/noticias/Bloquean-ruta-evitar-paso-cilindro_0_96591022.html

[5] "Protestantes Queman Camión-Grúa." Prensa Libre, Dec. 5, 2004. Available at: http://www.prensalibre.com/noticias/Protestantes-queman-camion-grua_0_96590613.html

The cylinder was owned by the Canadian mining company Glamis Gold, which, in November of 2006 was acquired by another Canadian miner, Goldcorp — the second-largest gold mining company in the world (second only to another Canadian miner, Barrick Gold). It was traveling to its new home in the department of San Marcos, where it was to be used in the construction of an open-pit gold and silver mine. It was actually a mill that would be used to crush rock. Throughout the time that the cylinder sat parked on the shoulder of the highway, the protest movement gained momentum, resisting not merely the passage of the cylinder but the construction of the mine as well. Many Guatemalans were angered over what they were insisting was a lack of adequate prior consultation with members of the affected communities, which is illegal under the International Labor Organization Convention 169, of which Guatemala is a signatory. People were outraged that the attempted passage of an unusual piece of industrial machinery, now sitting under armed guard on the shoulder of the main highway, was the first that they had heard about a potentially destructive new mine to be built on their land.

The cylinder's holdup came to an abrupt end on the day that my colleagues and I were removing the small test net from the nearby village. The day previous, it had been announced that the next day, the authorities would finally somehow usher the truck under the pedestrian bridge at Los Encuentros and onward to its destination in San Marcos. Hundreds of campesinos turned out to protest the passage of the cylinder — clearly understood as the vital link needed to construct the mine that they adamantly insisted they did not want built. The stakes were high. This time, having learned from what had transpired with the attempt at dismantling the bridge six weeks previous, over 1,500 police and 300 soldiers accompanied the workers (van de Sandt 14). According to James Schenk, Sustainable Development Manager for the mining company, the chosen solution was to transfer to the cylinder onto a lower trailer (Schenk). Releasing the air

from the trailer's tires lowered it further — just enough to fit under the bridge. While this allowed the truck to pass, it damaged the bridge in the process.

It was late in the afternoon when our colleague and his chaperones finally came down from the mountaintop with the net's equipment. We hoisted the heavy poles onto the roof of our mini-van, thanked the locals who had assisted us and bid them farewell. We weren't to get very far, however. As we drove away, our driver became uncomfortable with the heavy weight now bearing down upon the roof of his small van, and when we got down to the village, inspection of the roof rack revealed that it was indeed buckling under the overwhelming weight of the heavy steel posts. Fortunately, there was a welder in the village who agreed to fortify the rack. This meant another delay.

As we waited in the welder's yard for the work to be completed, we could sense that something was terribly wrong. It began with groups of young men who would walk past us on the village road, glaring at us with an unconcealed, seething rage. This was far stronger than the hostility and mistrust that we had encountered when we had arrived earlier that day. Something must have happened to drastically change the mood in the village, but we didn't know what that might be. Quite unexpectedly, a European-looking woman then came casually sauntering down the main road. Astonished to see another foreigner in the tiny, remote village, we approached each other and exchanged introductions. She was an Israeli who had been living in the village for several months, working with the Peace Corps. She explained what had happened that afternoon: as the authorities ushered the truck under the bridge and on to its destination, the protest intensified, and the afternoon erupted in violence. The authorities opened fire, and one local farmer, Raúl Castro Bocel, had been killed (Fulmer, Godoy and Neff 91; Sieder

"'Emancipation'" 255).[6] When this happened, in outraged solidarity, people blockaded the highway. Unlike in Canada or the United States, with multiple back-roads and extensive highway systems throughout many parts of the country, Guatemala has but one main highway. If it gets shut down in protest, the country is essentially paralyzed. This blockade was not merely confined to one location, but had sprung up in dozens of places throughout the region, including the two entrances to the village where we had been working that day. Both of the routes out of the village were now fully blocked with old cars, boulders and piles of tires. Villagers guarded the blockades to ensure that they were not dismantled or breached. We realized that we wouldn't be able to leave town. The village was very small, with no hotels or restaurants. The Israeli woman told us that we could probably spend the night at her place, but she would need to go check a few things out first. We were grateful for her kindness, and awaited her return.

While we waited, the tension in the air seemed to intensify with each passing moment. More locals — mostly groups of young men — were circling us now, with pure hate on their faces. It was as though a fight were about to break out, and we'd be in the middle. When she finally came back, her friendly, casual demeanour had vanished, and in its place was a palpable fear. Her face had become pale, and she spoke with a hushed, methodical urgency. Her tone alone indicated how serious a situation we were now in. She apologized, but told us that she would not be able to house us for the night after all — nor did she feel comfortable being seen speaking with us. She regretted this, but stressed that she lived there, and could not compromise the delicate trust with the locals that she had been carefully cultivating. She explained that the locals, who had presumed that we were actually Canadian miners all along, blamed us for the

[6] Subsequent to this incident, sixteen indigenous campesinos were charged with terrorism (Sieder 2011; Solano 2005).

violence of the day; they blamed us for imposing this unwanted Canadian gold mine upon them, and more seriously, they apparently blamed us for the death of the campesino who had been killed that afternoon while resisting the passage of the cylinder to build this unwanted mining project.

I decided at that point that it would be wise to phone the Canadian embassy in Guatemala City to touch base. They were alarmed at our predicament and offered to send in an armed escort to get us out of there. We quickly conferred with each other and unanimously agreed that that would be a bad idea. It would very likely only make an already violent day even worse, as tensions seemed far too high for such a plan to unfold smoothly. There was then some talk of a helicopter, but we were advised that landing in such a mountainous region would be extremely difficult, if not impossible. We were also chagrined at the idea of attempting to flee in such an audacious and dramatic way. After all, we had done nothing wrong. Fleeing by helicopter would send all the wrong signals. It also seemed like an overreaction: while tensions were riding high at the moment, surely tempers would calm and cooler heads would eventually prevail. The embassy then proposed another plan: if we needed to stay the night, the village had a small police station, with one cop. They had contacted him and told us that we could spend the night there, then leave in the morning after things had hopefully blown over and the road reopened. This sounded better than plans of armed escorts and helicopters, and we headed to the police station to spend the night.

The "station" was but a tiny single-room office, with an attached small back-room with a few bunk beds. The main door was made of thin plexiglas, which was cracked throughout and patched with Scotch tape. It was impossible to close it securely, never mind lock it. The office had a single light bulb, dangling from a wire from the ceiling. The room was sparsely furnished:

there were a couple chairs and a hard wooden bench along one of the walls. Except for a calendar hanging above the cop's desk, the walls were bare. Upon his desk sat some papers and an old, large two-way radio that may have been outdated in the Second World War. He had, as far as I could tell, a single gun, which was an old revolver that made the radio look modern. He was friendly, and we felt safe enough there as we chatted with him late into the night. He welcomed us to use the bunks in the back room if we were tired, but none of us felt comfortable enough to go to sleep that night, so we sat on the bench, leaned up against the stone wall and waited for dawn.

In the middle of the night he got a call on his cell phone. His face looked worried as spoke in hushed tones, and as he spoke in his indigenous Mayan dialect, I couldn't understand what he was saying. When he got off the phone, he looked deeply concerned. This wasn't a good sign. He first told us what we had already presumed — that everybody in town knew where we were. He then told us what he had just been warned: that a mob would be coming for us at dawn. We knew that this wasn't an idle threat. Unfortunately, vigilante justice is not uncommon in Guatemala, which is largely a result of a thoroughly dysfunctional, corrupt and ineffective justice system. If people want justice, it's not uncommon for them to take matters into their own hands.[7] The practice is a carry-over from the 36-year civil conflict that officially ended in 1996, during which civil defense patrols would routinely viciously, and publicly, murder and dismember people suspected of collaborating with left-wing guerillas. It is estimated

[7] See "Guatemala mob kills, burns suspected organ thieves." *Reuters*, June 16, 2007. Available at http://www.reuters.com/article/2007/06/16/idUSN16314264; "TV reporter shot by Guatemala lynch mob." *The Guardian,* April 30, 2007. Available at http://www.guardian.co.uk/media/greenslade/2007/apr/30/tvreportershotbyguatemala; "Female armed robber stripped, beaten and set alight by angry lynch mob." *Daily Mail*, December 17, 2009. Available at http://www.dailymail.co.uk/news/article-1236323/Female-armed-robber-stripped-beaten-set-alight-lynch-mob.html; "Six Killed by Lynch Mob in Guatemala." *The Australian*, July 03, 2011. Available at http://www.theaustralian.com.au/news/breaking-news-old/six-killed-by-lynch-mob-in-guatemala/story-fn3dxity-1226086408253

that 250,000 people died in this or similar ways — many of them women and children. The horrendous acts of violence that many Guatemalans experienced throughout the civil conflict may have inured some to such violent interventions as public lynching.

We also knew that rumour, mistaken assumptions and mob rage had killed not only locals but foreigners as well: in 2000, 23 Japanese tourists were attacked by an angry mob in a market in the highland village of Todos Santos Cuchumatan. Tourist Tetsuo Yamahiro was killed, and when the driver of his tour bus, Edgar Castellanos, came to his defense, he too was killed, and in a most horrific way — he was doused in gasoline and burned alive as the mob continued to attack the other tourists. The mob, which may have numbered around 500 people, mistakenly believed that the tourists were photographing children as part of a plan to kidnap them, possibly to sell their organs.[8] My FogQuest colleagues and I had been aware of these issues prior to leaving for Guatemala, so as the cop warned us of what awaited us at dawn, we weren't so daft as to assume that such a fate couldn't possibly befall us as well. His ashen face underlined our fear.

He proceeded to tell us that he alone could not protect us, and that the next nearest cop was in the next town over the hill, but wouldn't be able to get to us with the road being closed. Furthermore, he told us that he wouldn't protect us from his own people. We would have to leave. He told us of a small back road that led out of town, and suggested that we attempt an escape that way. At this point, with the Canadian embassy in the capital closed for the night, I phoned a federal government hotline in Ottawa that's open 24 hours for Canadians abroad in distress — a kind of international 911.

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[8] See "Mayan mob kills two 'baby stealers'." *The Guardian,* May 2, 2000. Available at http://www.guardian.co.uk/world/2000/may/02/5

The woman who fielded my call was alarmed, but unhelpful. We told her where we were, gave her our passport numbers, advised that we would be attempting an escape and would phone back when we had arrived at a place of safety. Not hearing back from us would be cause to come looking for us. As though reading from a computer screen, she advised us to stay put right where we were; due to the frequency of violent carjackings and armed robbery on the highways at night, the Government of Canada does not recommend highway travel at night in Guatemala. Given the circumstances, we felt it might not be a bad idea to disregard this sagely advice.

With the headlights of our mini-van off, we quietly drove to the little back road that led out of town. The road through the village sloped gradually downwards towards this back road exit, so our driver also turned off the engine, and we coasted slowly in neutral. He feared what might happen if the sound of the van's engine alerted the villagers to our attempted flight. It felt like an eternity as we slowly coasted down the quiet, deserted street. When we finally got to the back road that exited the village, we could see that it had been blockaded with fallen trees. We approached cautiously. Fortunately, as it was the middle of the night, the blockade was unguarded. We very quietly moved the trees to clear enough space for our van to pass through, then sped off. Even after we had left, our experienced driver was terrified that people from the village, learning of our escape, might come after us. He was gripping the wheel so tightly that his knuckles were white, and was repeatedly shooting anxious glances into the rear-view mirror as he sped down the steep mountain road, tearing around hairpin turns far too quickly for anyone's comfort. After an hour of driving we arrived at the next town, but fearing that word of our escape may have been relayed ahead of us, he was still too fearful to stop. He shut off the headlights once again, and we sped through the dark, empty streets of the sleeping town. Several

more hours later, we arrived at a larger town. By now our driver felt safe, and with the sun beginning to rise on the horizon, we found a hotel where we could get some rest in the dying hours of the night. I phoned the emergency hotline in Ottawa once again to let them know that we were safe, then settled in for a few hours of badly needed sleep.

In the morning, I called the Canadian embassy in Guatemala City once again. I was upset that by virtue of being mistaken for representatives of a Canadian mining company, I and three other Canadians were almost killed. The woman who answered the phone was Guatemalan, and while she was sympathetic that we had undergone this unfortunate experience, she tried to gently explain what may underlie the rage of the local villagers. They feel that their voices are seldom heeded, she explained, which allows these mega-projects to roll ahead, despite local opposition and a lack of community consultation. I told her that I understood, and that my anger was not really with the locals but with an underlying system that has engendered this situation. What on earth might Canadian miners be doing in the region to elicit such anger and distrust? I asked to speak with someone higher up, to field my concerns.

She transferred my call to Ginette Martin — a French-Canadian woman who worked with the ambassador at the time, James Lambert. Martin, unlike the woman with whom I'd just been speaking, seemed to have little sympathy for the local population. While she did express regret for the unfortunate experience we had just undergone, she had a very different explanation for the rage that we had encountered. According to her, the reason for such public anger against Canadian miners is that left-wing environmental agitators have manipulated the poor, ignorant and illiterate campesinos into thinking that the new Canadian gold mine will give them AIDS, and that it will unleash a monster from Lake Atitlán. This struck me as a strange response. I told her that in my various discussions with locals, I had never heard anyone say anything about

AIDS or lake monsters; I had, however, heard people express fears about what they understood was going on in neighbouring Honduras, where the same mining company had the same type of mine, which by this point was five years into its operation. This was the San Martín mine in Honduras' Siria Valley. I had heard people say that most of the rivers in the previously lush agricultural valley had dried up since the mine had arrived, which they attributed to the incredibly water-intensive method of mining being used there. They had also heard that the remaining water sources — both surface and ground water, had become contaminated. Furthermore, people living near the mine were apparently experiencing a variety of mysterious health problems that were nonexistent before the mine had arrived, and that women living near the mine were experiencing a rash of miscarriages. I understood that the mining company was denying all responsibility for these afflictions, and that locals there were attaining little redress for these problems. I had heard people saying that they didn't want the same problems in Guatemala.

When I conveyed this to Martin, she hastily advised me that those concerns were all baseless nonsense; she told me that she had just returned from Honduras where she had visited the San Martín mine, and after having seen the situation with her own two eyes, could safely attest that everything there is fine. She attributed these baseless rumours to the same activists who were stirring things up in Guatemala with their ridiculous fear-mongering rumours about AIDS and monsters in the lake. I told her that, again, I hadn't heard anyone express fears about AIDS or lake monsters, but what I had heard was people expressing concern over possible pollution from the huge amount of cyanide that this type of mining uses. She dismissed this concern, telling me enthusiastically, and somewhat to my shock, that cyanide is perfectly harmless; in fact, she gushed, it's found naturally in almonds. This is true, I replied. It's also

found in apple seeds, but given that we're not talking about nearly the same concentrations nor exposure to the environment as found in open-pit metal mining, why on earth would one wish to make such an absurd comparison?

I hung up the phone and felt even worse than before I had called. Now the problem appeared to be not just Canadian mining companies engaging in potentially problematic practices abroad that engender public outrage, but furthermore, the Canadian government seemed to be curiously defending the company by dismissing and delegitimizing the concerns of those who opposed the mining project. I decided that I should investigate for myself. I returned to the region the next year, and have returned almost every year since, oftentimes with a video camera. I have traveled to various mine sites, have spoken with people residing near the mines, as well as with mining company representatives, local health-care providers, environmentalists, NGO workers, clergy, academics and members of government. This dissertation comes out of these experiences, and the questions that have emerged from the process of doing this work provoke practices that occur beyond the sites that I investigate.

One of my documentaries that accompanies this thesis, the hour-long *All That Glitters Isn't Gold: A Story of Exploitation and Resistance*, reveals what I found in Honduras' Siria Valley, in the region surrounding the San Martín gold mine that the embassy staffer had told me she had just visited herself, and could safely attest that everything in the region is fine. I came to a markedly different conclusion. This documentary also features some brief news clips from Guatemalan television covering the protest against the passage of the cylinder. Another short documentary that accompanies this text, *Desalojo (Eviction)*, provides a glimpse into the politics of resistance at a non-functioning Canadian nickel mine in eastern Guatemala. This situation is discussed in Chapter 6.

The mine that was being built with the giant industrial cylinder that couldn't fit under the pedestrian bridge at Los Encuentros — Goldcorp's Marlin mine — was indeed constructed in the San Marcos region of Guatemala later that year. Construction was financed in part by the World Bank, in the form of a 45 million dollar loan from the International Finance Corporation, the bank's private sector division. The Bank referred to the mine as badly needed development for the region. The mine has been in operation for the past six years, and many of the concerns expressed by Hondurans living near Goldcorp's San Martín mine in the accompanying documentary, *All That Glitters Isn't Gold*, have unfortunately materialized near the Marlin mine as well, with Physicians for Human Rights documenting elevated levels of lead and arsenic in the those residing near the mine.[9] Several studies have found that the mine is contaminating the water in the region.[10] The health and environmental harms that locals and outside experts alike insist are caused by the mine have been so alarming that, in 2010, the Inter-American Commission for Human Rights, which for years had been receiving complaints from residents residing near the mine, took the extraordinary step of ordering the Guatemalan government to close the mine until such damages and their specific causes could be addressed.[11] The order was never obeyed, however, and the mine continues to function to this day.

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[9] Basu, N. and H. Hu (2010). "Toxic Metals and Indigenous Peoples Near the Marlin Mine in Western Guatemala: Potential Exposures and Impacts on Health." Washington, DC, Physicians for Human Rights.

[10] Maest, A. and D. Kamp (2010). "Evaluation of Predicted and Actual Water Quality Conditions at the Marlin Mine, Guatemala." Santa Fe, NM, E-Tech International.

[11] See Martin Mittelstaedt, "Goldcorp Mine in Guatemala Ordered to Shut." *The Globe and Mail,* June 7, 2010. Available at http://www.theglobeandmail.com/globe-investor/goldcorp-mine-in-guatemala-ordered-to-shut/article1595448

Introduction

In his address to 34 heads of state at the sixth Summit of the Americas meeting held in Cartagena, Colombia in April 2012, Prime Minister Stephen Harper wasted no time in outlining his government's priorities: he devoted his entire 10-minute address to extolling the virtues and expertise of Canadian mining companies and the various ways in which the Canadian government facilitates and supports the industry. After noting that 60 per cent of the world's mining companies are listed on the TSX, with world-wide assets of nearly $200 billion and a contribution of $50 billion to Canada's 2011 GDP, Harper announced plans to expand the already extensive Canadian mining investment found throughout the Americas, in an effort to, as he stated, "promote prosperity, democracy and security throughout our hemisphere… [and] to help local governments and communities implement related development projects for the benefit of people living near mines or other development activities."[12]

This is curious rhetoric to employ: while Canadian mining activities have indeed exploded in the Americas over the past ten to fifteen years,[13] recent studies have shown that these projects can often lead to increased poverty, conflict and insecurity at the mine site.[14] There have also been numerous egregious violations of human and environmental rights that have been documented at Canadian mines worldwide. The *Toronto Star* (2010) reports that, "Canadian mining companies are far and away the worst offenders in environmental, human

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[12] Delivered April 14, 2012. Available at: http://pm.gc.ca/eng/media_gallery.asp?featureId=11&media_category_id=20&media_category_typ_id=1&media_id=10034

[13] According to the McGill University-based Research Group Investigating Canadian Mining in Latin America (MICLA), over the past decade, approximately 1,500 Canadian mines have been in development in Latin America. 85% of those are in the early exploration and development phases, with approximately 200 functioning Canadian mines across Latin America. See http://www.cbc.ca/thenational/thenewconquistadors/map.html (accessed 7 February 2013).

[14] The Pulitzer Center on Crisis Reporting and MICLA (noted in the previous footnote) have tallied 84 social or environmental conflicts involving a Canadian mining project in Latin America over the past decade (ibid).

rights and other abuses around the world, according to a global study commissioned by an industry association but never made public" (Whittington). The report, written by the independent non-profit think-tank, the Canadian Centre for the Study of Resource Conflict, was commissioned by the mining industry association, the Prospectors and Developers Association of Canada (PDAC) in 2009, but never released. The leaked report is revealing, however. It concludes that,

> Canadian companies have played a much more major role than their peers from Australia, the United Kingdom and the United States [in environmental harms and human rights abuses]… Canadian companies are more likely to be engaged in community conflict, environmental and unethical behaviour… Of the 171 companies identified in incidents involving mining and exploration companies over the past 10 years, 34 per cent are Canadian.[15] (ibid)

As a result, over the past decade, numerous countries in the Americas and beyond have seen community-organized resistance campaigns that reject and oppose the presence of Canadian extractive projects on their territories — campaigns that are invariably rejected as illegitimate by industry and Canadian government representatives, and frequently ignored, delegitimized or attacked by the national governments of the countries in question.

Using discourse analysis, grounded theory and auto-ethnographic interrogation[16] of some fieldwork experiences in Central America and subsequent engagements with the Government of Canada, this dissertation examines the politics of legitimacy in which mining projects and community-based resistance movements are imbricated. This dissertation proposes a theoretical apparatus that may prove useful beyond analyses of Canadian extractive industries operating in Latin America and the formidable resistance that many projects have encountered; in shedding light upon the larger phenomenon of which Canadian mining in the Americas is but a single

[15] Copy of leaked report on file with the author.

[16] See Denzin 2003 & 2006.

indicator, it may offer a useful stance from which to assess and understand similar struggles that are presently unfolding — in Latin America and abroad. The larger phenomenon that this dissertation proposes to flesh out is how discourses of democracy are invoked to advance projects that are often fundamentally anti-democratic, and how discourses of development are invoked to advance projects that are often fundamentally exploitative and destructive.

This dissertation begins with a single question, from which further questions unfold: how are Canadian mining companies that are working abroad seeking to attain "social license" to operate, as they refer to it? In many instances, obtaining the requisite permits, exploration and exploitation licenses from host country governments can be a matter of mere formality; winning the support of the surrounding communities and the local populations in general, however, is often far more challenging. It is difficult to operate with a gun to people's heads, and difficult to operate a mine when the local population is blockading the road in protest before construction of the mine has even begun. How, then, are power relations stabilized? How are people made into willing partners in a project that many feel will seriously exploit them, render relatively minimal local benefits and may dramatically damage people, animals and the natural environment for generations to come? What constitutes the discourses of legitimacy that are being employed to advance this particular model of purported development? How are voices and practices legitimized? Furthermore, how are dissenting voices silenced? What constitutes the discourses that delegitimize dissent? How are voices and practices delegitimized? What are the effects of the deployment of these discourses, and how might it be wisest to intervene? The hope is that in addressing these questions and the subsequent issues that arise, light can be shed upon a broader phenomenon whereby wealthy industrialized countries are shoring up economic opportunities in

the so-called "less developed" countries of the "Global South,"[17] often at the great expense of the people living there.

Addressing these issues entails exploring how mining projects are made meaningful — both in the Global South as well as in the North. What is at stake in the success or failure of the extractive projects that Canadian mining companies are establishing worldwide is the very meaning of mining. Extensive campaigns are being advanced by mining companies and their state sponsors to signify extractive activities in favourable ways, yet these campaigns reach far beyond efforts at merely constructing dominant meanings of the mine itself. Exploring efforts at constructing the mining projects in people's imaginations reveals a far deeper project of seeking to shore up subjectivities that are fundamentally compatible with the extractive industry's public narrative of its own meaningful role in society in the countries where they operate; underpinning the initiatives examined in the following chapters is a more insidious and pernicious project of producing citizens who are best suited to accommodating and ultimately embracing a very particular and highly inequitable model of social and economic development.

Larger "nodal points of discourse," to borrow a term from Laclau and Mouffe (2001) — namely "democracy," "development," and what it means to be indigenous — help to both construct the meaning of mining and "anchor" people's identity claims in the process, and this dissertation offers a semiotic critical analysis of various initiatives that seek to construct these foundational nodal points. These initiatives of constructing foundational nodal points of discourse are being perpetrated by Canadian mining companies operating abroad, as well as by

[17] While scare quotes will not be applied to subsequent usages of "Global South," it should be noted that the term is never employed as an unproblematic demarcation of global classes. Esteva and Prekash (1998) maintain that it is as outdated as "First, Second and Third Worlds," and prefer the terms "One-third World," or "social minorities," to refer to those residing in conditions of relative wealth and power, regardless of where they live in the world; and "Two-thirds World," or "social majorities" to refer to those who lack access to most of the goods and services constituting the lives of the "One-third World." For present purposes, "Global South" will be employed, while cautioning against the danger of reification that accompanies any generalized descriptor of large groups of people.

the Canadian state that, almost invariably, wholeheartedly supports their activities. The ultimate goal of the mining industry's efforts at reshaping the dominant meanings of these nodal points of discourse is to create subject positions that embrace the activities of Canadian extractive industries and fight for their interests, despite the fact that those interests may be fundamentally contrary to the interests of the individuals in question, and certainly contrary to broader social, collective interests. These initiatives serve to divide communities and justify the repression of industry's critics. Canadian mining companies and the Canadian state are strategically branding discursive nodal points like democracy, development and indigeneity to hijack the terrain in which struggles for autonomy and self-determination are playing out. Branded Democracy™ is a symbolic weapon being used to disrupt and derail actual democratic struggles. Branded Development™ is likewise being used as the banner behind which industrial projects are imposed upon people in impoverished communities in the Global South, often at direct odds with, and flying in the face of, local assertions of what is actually needed for their "development."

The potency and implications of these initiatives — of deploying carefully branded nodal points of discourse, of democracy, development and indigeneity, in order to advance their opposites — should not be underestimated. How we imagine ourselves, each other and our world, and how we imagine with whom we share commonalities and those from whom we are different, composes the foundational framework by which we live out our lives, forming the basis of our life's decisions, our ethical investments and the values that we spurn or hold dear.[18]

[18] Various theorists have had different ways of understanding this idea of a foundational framework by which we live out our lives. Heidegger (1962), for instance, referred to "primordial understanding" or "preunderstanding" to describe the foundational epistemological assumptions that inform our perceptions and knowledge claims. These include culturally-relative interpretations of such basic matters as what it means to be human and what constitutes "objective" reality. Stuart Hall (2001) argues that "reality" is never perceived nor understood in a value-neutral way; it is always already "encoded" by culturally and historically specific "codes" which shape interpretations and understandings of reality along the lines of particular power interests.

Philip Gourevitch (1998) begins his account of the Rwandan genocide — in which a million Tutsis were slaughtered by their Hutu neighbours, with a testament to the power of imagination:

> The [Rwandan] government, and an astounding number of its subjects, imagined that by exterminating the Tutsi people they could make the world a better place, and the mass killing followed. All at once, as it seemed, something we could have only imagined was upon us — and we could still only imagine it. This is what fascinates me most in existence: the peculiar necessity of imagining what is, in fact, real. (Gourevitch 6-7)

This dissertation employs discourse analysis to explore ways in which the regimes that support and promote Canadian mining interests abroad — the companies themselves, mining industry associations, the Canadian government and host-country states — are strategically signifying nodal points of discourse, such as democracy and development, such that subjects in host countries may come to imagine themselves and their worlds in ways that support the interests of the mining companies, despite the fact that the benefits accrued by such subjects may in fact be negligible, and the harms incurred may be severe.

Theoretical Stance

The most obvious place to begin an inquiry concerning how it is that we imagine what is, in fact, "real," and in ways that facilitate exploitative conditions, may be with Marx and subsequent Marxist theories of false consciousness.[19] Chief among them is Althusser's work on ideology (1971), through which he understands the phenomenon whereby we subject ourselves to, and even defend, systems that exploit and dominate us.[20] His theory, however, has been

[19] The beliefs held by oppressed, marginalized and dispossessed people that blind them from the realization of their best interests and motivations. False consciousness entails the subordinated class identifying with the ruling ideas that keep them subservient.

[20] Ideology, for Althusser, mediates the inevitable imagined relationship that we build between ourselves and our world; it ensures that we build that bridge in such a way that we come to see the existing socio-political-economic order as inevitable, natural or for the best, and thus refrain from investing energy in disrupting or seeking to reconfigure existing distributions of power, wealth and resources. Ideology, for Althusser, constitutes the belief systems that justify exploitation, which the oppressed classes nonetheless unwittingly subscribe to. People come to imagine themselves and their meaningful relationship to the world in terms that accept the inevitability — even necessity — of their own exploitation. Ideology thus serves to maintain and reinforce existing relations of production and consumption.

rightly criticized for inadequately accounting for moments in which people imagine themselves in radically different terms; there is little room for "agency" or resistance when we have been so thoroughly interpellated in Althusser's notion of ideology.[21]

Lukács (1968) argues that the notion of ideology as false consciousness is untenable, for "thought and existence…are aspects of one and the same real historical and dialectical process" (Lukács 204). Consciousness is neither an accurate nor distorted reflection of external reality: it is that which always intervenes in and alters the field in which it exists, which in turn alters the state of consciousness. Eagleton (2007) explains the implication for self-knowledge: "to know myself is no longer to be the self that I was a moment before I knew it" (Eagleton 94). The subject is accordingly never a static, passive entity acted upon by ideological forces; it is always already in an infinite dialectical process of becoming. Eagleton maintains that Lukács' insight forces us to revise or abandon "any too simplistic notion of false consciousness as some lag, gap or disjunction between the way things are and the way we know them" (94).

It is by this epistemological untenability that this dissertation proposes moving beyond earlier Marxian theorizations of ideology toward Gramscian theories of hegemony, understood as agreed-upon consensus over dominant meanings, which generates subjects' consent to a given distribution of power.[22] Hegemony offers an expanded space to account for the actual workings of subject positionings and negotiations with power that are examined in the following chapters. Gramsci's treatment of hegemony doesn't preclude the coercive implication of Marxian

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[21] Another similar critique of Marxian understandings of ideology concerns the space, or lack thereof, afforded for the critic herself: if there is no "outside" to ideology, by what privileged position can one critique the phenomenon? Zizek (1994) for instance, considers, "does not the critique of ideology involve a privileged space, somehow exempted from the turmoils of social life? Is not the claim that we can accede to this place the most obvious case of ideology?" (3)

[22] Stuart Hall (2001) also provides a useful definition of the hegemonic viewpoint, as "(a) that it defines within its terms the mental horizon, the universe, of possible meanings, of a whole sector of relations in a society or culture; and (b) that it carries with it the stamps of legitimacy — it appears coterminous with what is 'natural', 'inevitable', 'taken for granted' about the social order" (175).

understandings of ideology, but it better accounts for the free consent won by governing forces over the subjects they govern. It also better accounts for moments when this consent is either partial and ambiguous, or denied outright; hegemony does not reduce consciousness to the system of values, meanings and codes of belief that constitute the dominating force of ideology – it provides for a space for 'other,' for negation. Williams (1977) stresses that "lived hegemony" is never static but always a process: it "does not just passively exist as a form of dominance. It has continually to be renewed, recreated, defended, and modified. It is also continually resisted, limited, altered, challenged by pressures not at all its own" (Williams *Marxism* 112).

Alongside notions of hegemony, this dissertation adopts a Foucauldian emphasis on discourse and discursive formations, examining not "truth" but the current and historical effects of particular truth claims. Following Foucault, Butler (2000) maintains that there is no "true," "pure," or "neutral" consciousness outside of power-laden discursive parameters; the interpretive frame of reference within which subjects engage themselves and the world is the all-encompassing field within which knowledge is based. She argues that,

> the subject seeks to recognize itself in terms of the norms that condition and constrain subjectivation. It comes to interpret itself in light of this norm, and to measure itself against that ideal. And this ideal and norm will be, invariably, discursively elaborated: here is the term, the sign which you must approximate, the one that will allow you to be known, the one that will allow you to know and, indeed, experience yourself as a self. (Butler "Politics")

This dissertation offers discourse analyses that examine how Canadian mining is signified in Central America and beyond, in ways that seek to define the "norms" and "ideals" by which subjects constitute and measure their understandings of themselves — the norms and ideals that allow subjects to know and experience themselves as real, as Butler posits. It is this process, of human beings being inculcated with the norms and ideals to which we aspire, and by

which we come to know and experience ourselves and our worlds as "real," that Butler refers to as subject formation, or subjectivation.

Why This Theoretical Framework?

Neoliberal market reforms have radically altered the world in which we live. They have ushered in the privatization of state enterprises, a retreat of the state from the responsibilities of ensuring public welfare, the debilitation of labour rights and job security, trade liberalization and investment protection measures that encourage foreign investment and secure the global mobility of capital, and extended the logic of the commodity and market capital to the farthest reaches of the globe. Emerging under these very conditions of neoliberalism, however, have also been the broad dissemination of universal rights discourses that had not been previously accessed in many localities, producing citizens who articulate claims on a multiplicity of levels — from land and resources to human rights and self-determination — in ways that were previously unfathomable (or at the very least, inaccessible). The International Labor Organization's Convention 169 — the Indigenous and Tribal Peoples Convention (1989) and the UN Declaration on the Rights of Indigenous Peoples (2007) are but two examples (Couso, Huneeus and Sieder).[23] This dissertation examines the collision of neoliberal market reforms with contemporary articulations of rights claims, and argues that the global encroachment of neoliberalism has introduced new logics and political dynamics by which subjects are constituted. It proposes that an understanding of hegemony, read alongside theories of governmentality and biopower, may well be the most appropriate analytic tool for such investigations. The chapters that follow examine

[23] The full text of the UNDRIP is available at http://social.un.org/index/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx (accessed Jan 5, 2013); the full text of ILO Convention 169 is available at http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:312314 (accessed Jan 5, 2013). The ILO Guide to Convention 169 (May 2009) is available at http://www.ilo.org/indigenous/Resources/Guidelinesandmanuals/WCMS_106474/lang--en/index.htm

the new regimes and politics of subjectivation under conditions of neoliberalism, through analyses of particular ways in which the dominant meanings of resource extraction are being advanced, negotiated and contested, within terrain in Guatemala and Honduras that is fraught with resistance.

Escobar's work of deconstructing development discourses has been critical in unpacking how hegemonic understandings of "development" were largely constructed by the World Bank following the Second World War (Escobar *Encountering Development;* Ribeiro and Escobar; Escobar "The Invention of Development"; Escobar "Anthropology and the Development Encounter"). Not unlike Said's seminal work on the Orient, in Escobar's explorations of how the construction of the "Third World" has operated to maintain Northern domination and exploitation over the Global South, arguably none has been more influential than he in shaping the field of critical development studies; his use of Foucault, poststructuralism and postcolonialism have served to ground calls for "post-development" — in both academic scholarship and developmental practices (Escobar "Imagining A Post-Development Era"; Escobar "Beyond the Search"; Ziai; Spoor). This often calls for practices of resistance, as well as the inauguration of alternative models of development that emerge from and heed local traditions and epistemologies (Escobar "Beyond the Third World"; Ribeiro and Escobar; Munck and O'Hearn; Escobar "Whose Knowledge, Whose Nature?"). While the impact of Escobar's contribution is by no means to be minimized, there are two elements that are largely lacking in much of the body of critical development studies that has been heavily influenced by his work: first, a critical analysis of the *particular means* by which discourse comes to constitute hegemony. The second element that is frequently lacking, and it follows from the first, is a careful study of how acts of resistance may in fact be co-opted such that they perversely come to

assist in the advancement of the projects being resisted. This will be examined further momentarily. Escobar's work, and its relevance to this dissertation, will be taken up in greater detail in Chapter 1.

Theories of governmentality will also play a key role in analyses of the constitution of subjectivity and the politics of resistance. This dissertation posits that in "empowering" subjects to seek self-improvement by demanding social development through foreign-owned mining projects, the actual harms/benefit analysis is obscured and the burden of providing for the welfare of citizens is shifted from the state to the private sector. It is in this regard that Lemke (2002) refers to neoliberal governmentality as "practical antihumanism," and argues that "by coupling forms of knowledge, strategies of power, and technologies of the self, [governmentality] allows for a more comprehensive account of the current political and social transformations since it makes visible the depth and breadth of processes of domination and exploitation" (Lemke 54). Foucault's work on biopower will ground the argument further: as techniques of governmentality seek not to discipline individual bodies but rather to shape the conduct of entire populations, acts of resistance against these regimes are being strategically signified such that they become perceived as a threat to the collective betterment ostensibly entailed in identification with the new subject positions that subjects are coerced to embrace. Canadian mining companies operating abroad, and Canadian governmental policies and practices that support them, quite willfully promise the "development" of the populace at large in the regions where they wish to extract; this dissertation examines how specific acts of resistance have been discursively signified such that they have come to effect the vociferous and often violent politics of counter-resistance that has materialized throughout Mexico and Central

America in defense of the industrial projects and their purported societal benefits that are advanced by regimes of governmentality.

Furthermore, this dynamic appears to operate much like a dialectical engine that drives this particular operation of power under regimes of governmentality, and the bulk of this dissertation will entail unpacking how, specifically, that dialectical engine functions. The constituent elements, which are detailed in the following section, are not presumed to occur chronologically. That is, the 'thesis' — posited as the discursive legitimization of the mining projects, does not necessarily precede the 'antithesis' — posited as the discursive delegitimization of the projects' opponents, but rather the two coexist simultaneously. That said, for analytic purposes, they are separated and considered distinctly, with the first three chapters unpacking the thesis, the subsequent three chapters unpacking the antithesis, and the conclusion examining the resulting 'synthesis.' This dialectic functions to shore up the hegemonic trope that mining equals collective development, and to demonize any who may dare to critique or reject this narrative.

Chapter Outline

Chapter 1 looks at development as discourse. It elaborates upon the purpose and usefulness of discourse analysis for shedding light upon the problematic practices of Canadian miners operating in Central America and beyond, and the support they receive from the Canadian state. It also provides a brief account of the history of the discursive deployment of "development" throughout Latin America following the Second World War. The activities of Canadian mining companies operating abroad and their state sponsors in the region, emerge from and further extend this history. This section, then, grounds the analyses that are offered in the subsequent chapters. Chapter 1 also argues that "indigeneity" is itself being branded as one

component of the hegemonic discourse of development that is being constructed and proffered. There are two important elements at work here: first, as Canadian open-pit metal mines throughout the Americas are facing resistance, and often from indigenous communities who articulate their opposition in terms of indigenous cosmologies and rights claims, indigeneity is itself being branded in a way that supports these activities, as a means of directly countering that resistance. Second, the problematic trope of indigenous people as environmental stewards is also being subtly employed to legitimize the mining practices in question.

Chapters 2 and 3 begin to build the central argument of this dissertation, by unpacking the aforementioned dialectic's thesis: Canadian mining companies are branding themselves as selfless benefactors of collective development. They are signifying the frequently toxic and destructive practices of open-pit metal mining with the discourse of collective emancipation. Through discursive analysis of a Goldcorp advertising campaign in Guatemala (Chapter 2), a pro-mining "protest march" in Guatemala City (Chapter 3), and the phenomenon of selected Canadian indigenous leaders who, as high-paid consultants, are hired to brand this type of extraction as commensurate with an indigenous cosmology, these chapters will situate the 'thesis' as the first step necessary in attempts at overcoming the formidable resistance that mining companies are encountering, in order to achieve the "social license" necessary to operate. These chapters draw upon bio-power and governmentality theories in order to understand the broader phenomenon of inviting individuals to imagine themselves as part of a collective that could be ushered to a state of greatness. Commensurate with this politics of legitimacy comes a corresponding politics of de-legitimacy, which constitutes the dialectic's antithesis.

Just as Chapter 1 offers the historical framework for the proposed dialectic's thesis that is examined in greater detail in Chapters 2 and 3, Chapter 4 offers the historical framework for the

proposed dialectic's antithesis, which is examined in greater detail in Chapters 5 and 6. That antithesis, again, is that resistance movements have been signified as "anti-development" — as a homogeneously insipid force that threatens "our" collective development, often figured as economic development. Chapter 4 begins by deconstructing a *New York Times* article on Guatemala's 2011 presidential election, in which the writer, who is one of the paper's three foreign correspondents for Mexico and the Americas, blithely refers to the 36-year Guatemalan internal conflict as a battle against Communism. The continued potency of that trope serves as a reminder to the effectiveness of deploying discourses of de-legitimacy, for the Guatemalan internal conflict in fact had almost nothing to do with Communism. That was but the ruse that was deployed to justify the class warfare that sought to keep the real power and wealth of that country concentrated in a tiny minority of hands — and successfully so: 1% of the population still owns over two-thirds of the land in the country.[24] The very same tactic is being employed today, by mining company personnel, industry association representatives, and by Canadian and host government officials, who carefully construct the imaginary antagonist in the form of the homogeneous "anti-mining activist" who is irrationally opposed to development and progress.

Chapters 5 and 6 further build the central argument of this dissertation, by detailing the aforementioned dialectic's antithesis: while Canadian mining companies are branding themselves as selfless benefactors of collective development (the thesis, as argued in Chapters 2 and 3), those who resist their practices are branded as nefarious, dangerous radicals who seek to sabotage the nation's development by resisting Canadian mining practices in the region. Chapter

[24] The World Bank also estimates that 75% of the population lives below the "poverty line," with 58% of the population living below the "extreme poverty line." The statistics are even more extreme when only indigenous people (who comprise a vast majority of the general population) are factored: over 90% of the indigenous population of Guatemala is estimated to live below the poverty line. See "Guatemala: An Assessment of Poverty," available at http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTPA/0,,contentMDK:20207581~menuPK:443285~pagePK:148956~piPK:216618~theSitePK:430367,00.html (accessed 7 February 2013).

5 examines one particular strategy of resistance: Guatemalan communities organizing their own referenda in which local communities vote on whether they want Canadian mining in the region. The chapter also examines the response from industry and government. It argues that the democratic aspirations for self-determination expressed in the *consultas populares* are deemed a significant threat to Canadian mining companies and their state sponsors, and are thus discursively constructed as illegitimate practices. A dominant strategy of delegitimization explored in this chapter is the discursive construction of the radical "anti-mining" activist who irrationally opposes all that constitutes "development;" such individuals are discursively constructed as major threats to the nation's development, given the discursive construction of Canadian mining practices as purveyors of collective development, as argued in Chapters 2 and 3.

Chapter 6 examines how the Canadian government has supported these discursive initiatives of delegitimizing the subject positions of those who critique or oppose the interests of Canadian mining companies operating abroad. This chapter examines the response from the Canadian Embassy in Guatemala City to one of the accompanying documentary videos — *Desalojo / Eviction*. This video documents the forced eviction of five indigenous Mayan Q'eqchi' communities from their lands in the El Estor region of eastern Guatemala in January 2007, on behalf of Canadian mining company Skye Resources. The Canadian ambassador to Guatemala at the time, Kenneth Cook, advised people that the video lacks credibility and is not a faithful representation of the evictions in question. His actions had the effect of delegitimizing both the voices of resistance brought forward in the film, as well as my own efforts at bringing these voices to the fore.

The final chapter, Chapter 7, provides some historical context for the ambassador's actions by examining the role of the Canadian state in facilitating the often hazardous activities of Canadian extractive industries operating abroad. The chapter focuses upon the discursive justification by which the Canadian government steadfastly refuses to implement any regulation to govern the conduct of Canadian mining companies operating outside of the country. The chapter argues that Canadian policy is deeply immersed in, and guided by the hegemonic discourses of delegitimacy presented in Chapters 5 and 6. The only serious political attempt at implementing such an accountability mechanism was Bill C-300, "An Act Respecting Corporate Accountability for the Activities of Mining, Oil, or Gas in Developing Countries" (subsequently renamed "The Responsible Mining Act"). Introduced in the House of Commons as a private member's bill by Liberal MP John McKay (Scarborough-Guildwood) on February 9, 2009, the bill proposed very modest mechanisms for regulating the conduct of Canadian extractive industries operating abroad, by mandating a withdrawal of public support from Canadian mining, oil and gas companies that are operating in foreign countries and are found to be out of compliance with internationally recognized human rights norms and environmental protection standards. The bill was flawed from the outset, as it was completely ineffectual with Canadian mining companies operating abroad that receive minimal or negligible Canadian support. Furthermore, as the bill became diluted over its successive readings, its final incarnation allowed so much leeway for companies on the receiving end of a complaint that it hardly constituted an effective regulatory instrument: after pressure from industry, the final draft of the bill allowed companies that had been subjected to a complaint over their conduct, a period of several months in which they could rectify their behaviour. If a subsequent investigation was unsatisfied with these adjustments, only then could public support be withdrawn. While the bill narrowly passed

its first two votes in the House of Commons, it died in its third and final reading and vote on October 27, 2010. Despite the diluted and defanged nature of the legislation, it was vigorously demonized in what may have amounted to the most intense lobbying any piece of proposed legislation Ottawa has seen in decades. The reason for this intense backlash is telling: in this chapter I argue that mining companies reacted against it so vociferously, despite the fact that by its third and final reading it had become a relatively toothless piece of legislation that would ultimately only move a small step towards accountability, not because of its material threats but because of its far more dangerous symbolic effects: it fundamentally violates their branding strategy, by signifying them as 'potential bad-apples' in need of oversight and regulation, instead of glorious benefactors who are purveyors of collective development and salvation.

Furthermore, beyond sabotaging efforts at implementing regulatory oversight over the conduct of Canadian miners abroad, the Canadian government has overhauled the Canadian International Development Agency (CIDA), dramatically reconfiguring its mandate; rather than backing poverty-alleviation strategies developed by the countries receiving assistance, CIDA has begun funding so-called "development" or "CSR" projects at Canadian-owned mine sites worldwide, which ultimately serves to legitimize the activities of Canadian miners abroad. In a budget bill tabled on March 21, 2013, the Canadian government announced the elimination of the agency altogether, folding it into a new Department of Foreign Affairs, Trade and Development. The hijacking, then subsequent takeover of CIDA, will also be briefly explored in Chapter 7.

The conclusion argues that a very particular synthesis results when the thesis and antithesis explored in the previous chapters converge. As subjects are coerced into identifying with positions that embrace the promise of collective liberation that so-called "development

projects" will bring, and as those who resist are signified as a threat to this collective redemption, two critical outcomes emerge. First, people resisting Canadian mining find themselves targeted by counter-resistance movements comprised of those who view the resisters as a threat to their collective development; by demonizing the environmental and social justice activists who are resisting not only the mining regime but the broader economic structure that it entrenches, those who may have identified with the collective development tropes of the mining PR begin to resist the resistance. One result of this is the further polarization and division of local communities. I refer to this as the politics of counter-resistance. The second effect emerges from the first: the anti-mining activist as signified in the previous chapter becomes a scapegoat, and as such, is actually a necessary ingredient for the tropes unpacked in Chapters 2 and 3 to succeed. Again, Chapters 2 and 3 argue that populations are first being targeted to think of themselves as populations — and populations that could be brought to a state of greatness. This imagined community coalesces around demonizing the force that can bring down the collective body's development and thriving. The Jew as scapegoat was the necessary ingredient to the discursive construction of the Volksgemeinschaft. The mining resistance movements are likewise the necessary ingredients to coalesce the imagined community of Guatemala that will prosper from mining. While it may seem extreme to draw the comparison with Nazi Germany, the difference in scope should not make us balk at exploring the underlying commonality: people in Guatemala and Honduras are indeed identifying with the trope outlined in the Chapters 2 and 3, and they are killing their perceived opponents, as signified in Chapters 5 and 6. This is not unlike how people during the Guatemalan internal conflict identified with the duplicitous discourse on Communism, and used it as justification to kill the so-called Communist rebels, as argued in Chapter 4. In reality, they became the willing foot soldiers for a powerful oligarchy. Canadian mining

companies and the Canadian state are employing the very same strategy. Instead of Communists, today's demons are the "irrational" anti-development forces that threaten the country, and threaten "our" collective development and emancipation. This trope enlists willing foot soldiers into an army that defends the interests of Canadian mining companies and the neoliberal economic order that they proliferate and prosper from. As Nazi Germany needed the Jew, companies like Goldcorp need the anti-mining activist. Both are the foil that allows the respective forces of power to proffer mass identification with a vision of collective greatness. That vision, and people's willingness to believe in it, provides this regime of governmentality with its source of power — and it is the power that it needs in order to advance and progress. It is for this reason, as shall be seen shortly, that the sites explored in Chapters 2 and 3 promise that mining can make one live, make one great, make one pure and spiritually redeemed. Mining can offer salvation.

Finally, this dissertation does not claim to invest in a spirit of "neutrality," if neutrality means giving equal measure to the Canadian regimes advancing open-pit metal mining throughout the Americas and beyond, and the people residing in surrounding communities, who live with the effects of those activities. This dissertation is unapologetic about highlighting the suffering of people affected by the conduct of Canadian mining companies operating abroad, and referring to the actions of the companies involved and their backers in both Canadian and host-country governments as duplicitous, manipulative and destructive. Does this imply that there are never tactics of deception employed by people residing near Canadian mines, or that all activities of every Canadian mining company operating abroad can be described in such inimical terms? Of course not, nor does it suggest that the effects of Canadian miners operating abroad are only ever deleterious, or that the projects affect all people in the same way. The point is neither to

demonize Canadian mining companies nor romantically glorify those who resist them. The point is not to offer a hollow polemic. The purpose of this project is to examine the discursive strategies currently employed by industry and government to shore up their legitimacy in some extremely contested terrain in which they operate, or seek to operate. The purpose is to examine ways in which they seek to achieve "social license" in which to operate, and the effects of those initiatives. Certain strategies are being employed in a systematic way, and by performing a structural analysis on what those discursive strategies entail and what emerges as a result of their deployment, we can shed some light on the proliferating activity of Canadian miners abroad, and the conflict and resistance that their activities increasingly engender. In so doing, what ultimately emerges when viewed in this light is a Canadian industrial program abroad that is wholly backed by the Canadian government, that is wreaking havoc in numerous countries in the Global South, destroying both people's lives and Canada's reputation in the process. That being said, however, to misread this dissertation as an "anti-mining activist polemic" only demonstrates the effectiveness of one of the discursive strategies examined; as Chapters 5 and 6 argue, the very notion of the "anti-mining activist" is itself a discursive construct, designed to occlude the specificity, nuance and internal logic of the position in question. It is, in effect, a strategy of delegitimization, designed to silence the voice of s/he who is tarred with this brush. As noted, I have experienced such a tactic of delegitimization first-hand, and sued the Government of Canada and a Canadian ambassador to Guatemala as a result, in an effort to repair the damage that was wrought, seek accountability for wrongs committed, and in the process, shed light upon the underlying process that transpired, given that knowledge of these events would be in the public interest to advance. This incident is analyzed in Chapter 6, and while personal, it is examined for the purpose of rooting out the systematic tendencies that this

event reveals. It is these tendencies that are ultimately important for the present work, and not the event itself, which is merely one amongst many possible ways of accessing and shedding light upon these worrying underlying patterns of behaviour, whereby the Canadian government consistently employs controversial, problematic, and at times illegal tactics in efforts of advancing the interests of Canadian mining companies operating abroad — despite well-founded allegations of environmental and human rights abuses that they have perpetrated — and silencing their critics. These are taxpayer-funded initiatives, and thus certainly Canadians, and perhaps a wider audience as well, may be interested to understand the forces at work.

> "Narratives…are always immersed in history and never innocent."
>
> "The most important exclusion, however, was and continues to be what development was supposed to be all about: people. Development was — and continues to be for the most part — a top-down, ethnocentric, and technocratic approach, which treated people and cultures as abstract concepts, statistical figures to be moved up and down in the charts of 'progress.' Development was conceived not as a cultural process (culture was a residual variable, to disappear with the advance of modernization) but instead as a system of more or less universally applicable technical interventions intended to deliver some 'badly needed' goods to a 'target' population. It comes as no surprise that development became a force so destructive to Third World cultures, ironically in the name of people's interests."
>
> - Arturo Escobar, *Encountering Development*

CHAPTER 1

Development as Discourse

As noted in the prologue, the original seed of interest in this work first germinated in early 2005, following a case of mistaken identity that quickly spiraled into a potentially dangerous encounter in a small Guatemalan village. At the time, very little was mentioned in the mainstream media in Canada about the activities of Canadian mining companies operating abroad. It was, by and large, a blind spot on most Canadians' radar. This has slowly been changing over the ensuing years, as stories about problems associated with Canadian mining operations overseas have gradually crept from utter obscurity in the wings, to peripheral, and at times, even more central treatment in some mainstream media outlets, such as *The Globe and Mail*, *Toronto Star,* CBC Radio and Television, the CTV investigative news show, *W5,* and others. Some of the coverage has given voice to impoverished and disenfranchised community members in the Global South who find themselves suffering because of the activities of Canadian miners in their regions. While a careful content or discourse analysis of this coverage

is beyond the scope of the present work (worthy as such a project would be), even the coverage that is critical often neglects to scrape very deeply beneath the surface of the problem.

One example is emblematic. The Fall 2012 issue of the magazine *Corporate Knights*, entitled, "Report on Mining: Defining Social License in the 21st century," opens with an introduction from editor-in-chief, Tyler Hamilton, who states that, "Never has it been more difficult to be a mining company. Managing volatility — commodity prices, labour demands, social unrest and environmental impacts — has become just as important as pulling materials out of the ground" (Hamilton 8). He goes on to detail some of the "volatility" that now requires management:

> Activism, for example, is at an all-time high. It has been turbo boosted by wireless communications and social networking technologies that make it easier for community stakeholders, environmentalists and NGOs to share information, organize, and resist when necessary. They have expectations and demand that mining companies coming into their communities meet with them. They want honest and open dialogue, meaningful local investment, lasting social commitments, and a genuine effort to reduce environmental impacts. This is a difficult transition for an industry accustomed to getting its way. (8)

To illustrate an industry accustomed to getting its way, he cites Rio Tinto executive Chris Anderson, who reminisces that, "in the bad old days, for most mining and oil and gas companies, communities were, at most, maybe irrelevant to what companies were doing" (8). Now, however, the article advises that mining companies have little choice but to "manage" local communities that are demanding such inconveniences as free, prior and informed consent (FPIC), a right recently enshrined in the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).[25] Hamilton notes that most mining company vice-presidents in charge of "corporate social responsibility" (CSR) insist that the company really does not want to be working in an area where they are not welcomed by the local communities. Hamilton then

[25] See *supra* note 23.

offers what is fast-becoming a dominant strategy adopted by Canadian industry operating abroad, in order to manage such thorny encumbrances as an unwelcoming local community: "to win over communities, many companies are partnering up with local NGOs focused on social issues, such as education and poverty… Call it manipulative or just shrewd deal making. Whatever it is, communities are beginning to wise up. It's no longer enough for a mining company to selectively throw money at a problem to get the minimum amount of local buy-in" (8). Hamilton cautions that environmental impacts are still engendering local opposition, but also notes that, happily, such impacts can now be significantly mitigated by "new clean technologies that miners are using to lower energy and water consumption, reduce emissions, scrub pollutants, and keep toxic substances out of the soil and groundwater" (8).

At first read, the article may strike many as balanced and well-intentioned: it outlines contemporary challenges facing Canadian miners working abroad, and offers what it describes as some effective solutions currently being adopted by industry. The tone is about as critical as anything currently appearing in the Canadian mainstream media. The issue contains several stories on Canadian mine sites in the Global South, and some of these reports do cast a critical gaze on the mining activities by highlighting some of the concerns that Hamilton outlines in his introduction. Important as these critical voices are, nowhere to be found in the volume, however — just as it is nowhere to be found elsewhere in the mainstream Canadian media — is a look at the extent to which Canadian extractive industries, the Canadian government, and the two large Canadian mining industry associations, PDAC (Prospectors and Developers Association of Canada) and MAC (Mining Association of Canada), have been quietly working over the past decade to "manage" community resistance in far more profound and pernicious ways than implementing "clean technologies" and the like. More fundamentally, they have been

intervening, like miners, far beneath the surface, at the level of subjects' worldviews; they have been strategically branding the nodal points of discourse of development, democracy and indigeneity. The battles being waged to shore up the hegemonic definitions of these signifiers serve to produce subject positions that embrace a neoliberal capitalist model of social order, and attack those who may resist this order as threats to the nation's "development." This is occurring both in Canada and in countries worldwide where Canadian miners are operating.

Analysing the Discourse of Development

Before beginning these investigations, it would be apt to briefly clarify the purpose and usefulness of a discourse analysis of the sites examined in the following chapters, as well as to elaborate upon how Escobar's work is of key importance to the central argument of the present analysis. His work has been at the forefront of critical scholarship deconstructing the dominant truth claims advanced by the Global North about the Global South — claims that masquerade as "neutral," "apolitical," "scientifically objective" assessments, by which the South is subjected to forces of domination and exploitation under a global system of grossly inequitable distributions of power, wealth and resources. Following Foucault, Escobar stresses the importance of exploring the roots of such truth claims, arguing that, "because one of the major foundations of power is truth, the knowledge of that truth (i.e., its invention and confirmation) becomes a major mechanism for the legitimation of the hegemonic forms of power within a given system. Discourse thus seeks its legitimacy in a carefully controlled definition of science and truth" (Escobar "Discourse and Power in Development" 328). He acknowledges his debt to Foucault in grounding the process by which he proposes investigating and deconstructing those "carefully controlled definitions of science and truth," through which hegemonic discursive claims attain their legitimacy; he notes that much of his own work in critically exposing the roots of power

relations between the Global North and South largely adopts the methodology of *The Archaeology of Knowledge.* He outlines what is at stake with this particular approach:

> a Foucauldian perspective on the Third World would begin with conceptualization of development on the basis of the system and techniques constructed for the deployment of power in its midst. Besides giving an account of the problems (economic progress or dependency, etc.), one must investigate the investment of the Third World by Western forms of rationality (political, economic, cultural), the use of forms of power and knowledge, the establishment of mechanisms of control, and the constitution of discourses and practices. One must reconstruct the "strategic connection" of these discourses and practices in order to make visible the very fine web laid out by them throughout history. (329)

The importance of this approach lies in the fact that in discourse, speaking subjects emerge. He stresses that, "Foucault's work on the dynamics of discourse and power in the representation of social reality, in particular, has been instrumental in unveiling the mechanisms by which a certain order of discourse produces permissible modes of being and thinking while disqualifying and even making others impossible" (Escobar *Encountering Development* 5). To consider how development functions as a discourse is to consider how it creates "a space in which only certain things could be said and even imagined…the process through which social reality comes into being…the articulation of knowledge and power, of the visible and expressible…[and becomes] a space for the systematic creation of concepts, theories, and practices" (39).

This theoretical stance will form the starting point of these investigations, looking at discourses on development, democracy and self-determination in the context of Canadian mining activities in Central America, in order to, as Escobar suggests, "make visible the very fine web laid out by them." In contrast with the overly determining — and, arguably, overly simplifying — understandings of the constitution of subjectivity proposed by earlier Marxian theories of ideology, Foucault's approach to discourse allows us to embrace the complexity by which the

process of subjectivation constantly unfolds, yet also makes central the importance of examining power and domination, much like earlier Marxist analyses.

Development as Discourse in Latin America – A Brief History

The careful branding of the discourse on development in Central America that this dissertation examines did not originate with Canadian miners in the region. It proceeds from, and further extends, a very specific history of discursive construction, and a brief account of that history will help to situate these investigations. The purpose of this section is by no means to provide an exhaustive treatment of that history, but rather to offer a concise, selective account that grounds the analyses that are offered in the following chapters, as the practices examined in this dissertation emerge from this history, and extend it further. For present purposes, that history begins with the politics of poverty and development that evolved following the Second World War.

Latin America was uniquely positioned following the war. Most countries had attained political independence in the 19th century, but were still economically controlled by American and Western European forces. Guatemala, for instance, for well over a century after its independence from Spain in 1821, was almost entirely owned and controlled by foreign plantation owners, as well as, beginning in the late 19th century, the American banana corporation, United Fruit Company. Most Guatemalans lived under conditions of abject poverty and exploitation, with neither rights nor any avenues of recourse available to redress the injustices inflicted upon them. Following the Second World War, popular movements emerged in Guatemala, as they did elsewhere in the region, seeking to throw off the yoke of foreign control and establish economic and social independence. Escobar argues that these movements

posed a direct threat to the U.S.'s emerging role on the global stage following the war — or were certainly perceived as a threat by many in centres of American political and economic power.

The U.S. was also uniquely positioned following the war, not only emerging victorious militarily[26] but also attaining a new level of global geopolitical power, in part via the freshly minted international organizations, the United Nations, International Monetary Fund, International Bank for Reconstruction and Development (precursor to the World Bank — all three founded at the close of the war), and the International Development Association (founded 1960). These new organizations embarked upon a mandate that had never previously been articulated nor implemented, marking the birth of a new, expert discourse on "international development." The post-war years also witnessed a dramatic consolidation of U.S. economic power — both domestically and globally — which Escobar (2012) argues was driven by three imperatives: the sourcing of cheap raw materials for American manufacturing, the expansion of new markets abroad for those manufactured goods (as well as hospitable and secure market conditions), and the opening of new investment opportunities for the ensuing surplus capital that accumulated (Escobar *Encountering Development* 32-3). All three elements — indeed the prerequisites for the success of American "free enterprise" — were threatened (or, again, certainly perceived to be) by the growing nationalism and rise in democratization and political participation of popular classes that transpired throughout Latin America following the war. Escobar attributes the emergence of the new "development" discourse of the UN, IMF, IBRD and IDA as a consequence of this perceived threat. Chapter 4 of this dissertation will sketch this

[26] This military "victory" is understood less in terms of combat than in the geopolitical advantage attained following the war, in part through the profusion of a host of new American military bases worldwide. The rise of the military-industrial complex following the war, with the rise of the global trade in mass-produced American weaponry, must also be factored into an understanding of this military "victory."

history in Guatemala specifically, in order to ground an analysis of resistance to Canadian mining in the region.

At the very core of this new "expert" discourse on international development was the dividing of the world into three new categories, replete with their own implied value ranking: First, Second and Third World countries. Not only were states divided and ordered according to this new, categorically definitive ranking system, but people and all aspects of their lives were also subjected to a host of new categories and systems of understanding. Escobar (2012) outlines what is entailed by these new systems of understanding, noting that the emerging discourse on development, "defined a perceptual field structured by grids of observation, modes of inquiry and registration of problems, and forms of intervention; in short, it brought into existence a space defined not so much by the ensemble of objects with which it dealt but by a set of relations and a discursive practice that systematically produced interrelated objects, concepts, theories, strategies and the like" (Escobar *Encountering Development* 42).[27]

The professed goal of the new development discourse and the interventions that they effected was the eradication or reduction of poverty in the "Third World." Thus, through policy positions propagated by these newly founded international organizations, expert-driven development plans, theories and interventions were advanced throughout the Global South "ad nauseam" (5), organizing and transforming countries according to U.S. and Western European constructs. Development "experts" from the North bombarded the Global South and spread like a virus,

> investigating, measuring, and theorizing about this or that little aspect of Third World societies. The policies and programs that originated from this vast field of knowledge inevitably carried with them strong normalizing components. At stake was a politics of

[27] While Escobar employs the past tense in this and many of the cited passages that follow, he also stresses that the phenomenon which he outlines is by no means relegated to the past. It continues right up to the present day.

> knowledge that allowed experts to classify problems and formulate policies, to pass judgment on entire social groups and forecast their future — to produce, in short, a regime of truth and norms about them. (45-6)

The essential feature of this hegemonic discourse on development — this "regime of truth" — was that poverty constituted the essential trait of the "Third World," with economic growth — in "free market," capitalist terms — being the only viable solution to this problem. This discourse operated as ideology: both the diagnosis and the cure appeared to be self-evident, indisputable, universal and inevitable.

Despite the noble-sounding rhetoric espoused by development practitioners professing to eradicate poverty in the Third World, Escobar argues that strategically managing "the poor" was the actual function at work. A transformation was certainly underway, but not one that would necessarily benefit those on the receiving end of the new development alchemy. As noted previously, Escobar argues that ultimately, the confrontation between a globally-expanding American-style free enterprise capitalism, and the perceived threats posed to it by Latin American popular movements, underlies the discourses of development and instruments of governmentality that were exported by the international financial and development organizations throughout the Global South. In the emerging politics of the Cold War, the countries of the South were seen as vulnerable to aligning themselves with either major power centre; Escobar argues that, "in the light of expanding communism, the steady deterioration of living conditions, and the alarming increase in their populations, the direction in which they would decide to go would largely depend on a type of action of an urgent nature and unprecedented level" (38). Wartime anti-fascist sentiments melded seamlessly into a post-war anti-communist fervour, and fear-mongering rhetoric warning of the global communist menace was often invoked as the most compelling argument for exporting "development" abroad: if the nations of the Third World

were not enticed with becoming the First, they would be vulnerable to falling under the sway of the Second.[28] Chapter 4 argues that today's fear-mongering rhetoric of the "anti-mining activist" emerges from the same strategy: in its deployment to help advance a neoliberal economic order that Canadian miners proliferate and prosper from, the discourse on "anti-mining activists" mimics the function of anti-communist rhetoric during the Cold War, which justified implementing a regime of control throughout the Third World under the guise of being an incontestable expert discourse on "international development."

Central to the free market capitalist development discourse and its instruments and policies of population management, lay the belief in science and technology as the keys to human progress. Science and technology were viewed as great beacons of hope, holding the promise to extend the ideals of modernity worldwide. An instrumental, determinist logic also underscored technology's deployment: technology itself was seen as a value-neutral tool that

[28] Following the Second World War, the rise in movements of popular democratic participation seeking social equalization, was by no means confined to the "Third World," but were also emerging in the "First." As a result, similar hegemonic discourses shaped policies and programs within "First World" nations as well — and in ways and to extents that many would likely find shocking. While it would be beyond the scope of this dissertation to examine that history, it is noteworthy that immediately following the war, popular sentiment throughout the "First World" valued creating conditions of socio-economic equality, with a whole series of social safety nets proposed and implemented; preventing the recurrence of the socio-economic conditions that were seen to have facilitated the rise of fascism in Europe, was widely seen as key to preventing another global war. The response from powerful economic interests was not dissimilar from the process that Escobar unpacks in his deconstruction of development discourses and their implementation throughout the "Third World" following the war. In the years following the end of the war, the United States, for instance, saw the dramatic consolidation of a business class that was guided by principles that were fundamentally opposed to those guiding the creation of welfare states throughout the West. With the tools of the newly-established public relations industry, powerful sectors of the business class — organized under newly-formed umbrella organizations such as the National Association of Manufacturers, amongst others — set out to prevent the rise of organized labour and its underlying ethos of solidarity, in order to avoid another New Deal and the spirit that had pushed for it. Materials designed to educate the public on the merits of unregulated free enterprise and the evils posed to it by organized labour, were distributed throughout almost every aspect of American society. Elizabeth Fones-Wolf's *Selling Free Enterprise* (1994) provides an excellent, if chilling account of this history. The rise of television in this era is also important, as the spread of image-based communication, first into the homes of the industrialized West and subsequently to the rest of the world, brought about new possibilities to inculcate consent to the hegemonic, free-enterprise view of society being propagated. Image-based communication, strategically harnessed, could engage the affective domain of consciousness to wed specific narratives, such as the necessity for business-friendly social conditions, onto already-loaded cultural signifiers, such as democracy. These signifiers operated like Trojan Horses; with the target being the affective domain as opposed to critical analytic consciousness, it was relatively easy to resignify these hegemonic tropes in ways that facilitated the expansion and fortification of capital-accumulating practices. Again, while it would take a separate dissertation to do justice to this history, its importance to the present thesis will become clearer in the following chapters.

was socially beneficial — that invariably allows societies to march forward on a trajectory of progress. It was not conceived as a value-laden instrument that shapes and controls social orders according to particular vested power interests. The new discourse on development implied that if only Third World nations could seize hold of this technology, like tabula rasa devoid of any local traditions, they too would happily reap its rewards and achieve modernization; they would magically transform from "backward," "undeveloped" civilizations, to embody the characteristics of their more "mature" capitalist neighbours to the north, such as increased urbanization and industrialization, advanced technological agricultural techniques, abundant transportation and communications infrastructures, higher rates of literacy, "modern" education systems, higher standards of health care, and so forth. Only capital could fuel this magical transformation, and that capital could only come from abroad. The purported value-neutrality of technology (including "free market" capitalism as a technology) was rife throughout the entire development enterprise. The "professionalization," or purported expertise of this development enterprise, allowed it to "remove all problems from the political and cultural realms and to recast them in terms of the apparently more neutral realm of science" (45). Escobar underlines the normative thrust of this belief, noting that, "in the vast literature on the sociology of modernization, technology was theorized as a sort of moral force that would operate by creating an ethics of innovation, yield, and results" (35). The apparent neutrality and indisputably beneficial role of technology that is happily offered in the aforementioned *Corporate Knights* article, will recur throughout the sites that are discursively analysed in this dissertation. The latter chapters of this dissertation explore this more specifically, arguing that an epistemology bound by instrumental reason is guiding Canadian extractive activities abroad, construing the land and local community members strictly as standing reserve; resistance that is articulated on

other terms — on the terms of a more holistic, indigenous epistemology — is routinely sidelined, ignored, ridiculed and dismissed as illegitimate. Furthermore, as argued in the introduction, resistance is delegitimized in essentializing, homogenizing terms, and cast as a threat to the "nation's" collective development. This discursive construction of the resistance movements allows subjects to unite in opposition to the resistance movements signified as such, and hence to galvanize in supporting the mining regimes being opposed.

As noted, the terms of the social transformation promised by the new hegemonic development discourse were dictated from abroad — from the development "experts" who had "the moral, professional, and legal authority to name subjects and define strategies" (41). All new problems that may have materialized were processed through these expert-generated lenses, specified and categorized according to the hegemonic discourse on development, "bringing problems to light in ways congruent with the established system of knowledge and power" (45). The hegemonic discourse on development that purported to "save the poor" from their own poverty (hence save them from themselves) both implicitly and explicitly valued certain ways of being, while denigrating others. It privileged modes of social organization that embodied dominant Western values, and encouraged practices that both reflected and benefited the capitalist system of the First World, turning the Third into cash crop plantations, zones of cheap labour and captive markets for manufactured goods from abroad. Escobar elaborates:

> Options privileged or excluded must also be seen in the light of the dynamics of the entire discourse — why, for instance, the discourse privileged the promotion of cash crops (to secure foreign exchange, according to capital and technological imperatives) and not food crops; centralized planning (to satisfy economic and knowledge requirements) but not participatory and decentralized approaches; agricultural development based on large mechanized farms and the use of chemical inputs but not alternative agricultural systems, based on smaller farms, ecological considerations, and integrating cropping and pest management; rapid economic growth but not the articulation of internal markets to satisfy the needs of the majority of the people; and capital-intensive but not labor-intensive solutions (43).

The activities of Canadian miners abroad and the Canadian state that wholeheartedly supports them, emerge from and further extend this very logic. As I argue in this dissertation, a strategically constructed discourse on "development" is being proffered by Canadian miners and their supporters in a way that signifies local subjects as developmentally deficient, then promises the cure ("development") in the form of a Canadian open-pit metal mine. This model, however, for the most part, benefits the regime that offers it, while offering minimal benefits and inflicting serious harms upon those who reside near the mines and in surrounding communities. The mining project is invariably signified under the banner of delivering badly-needed development to the country hosting the mine.

The process of subjectivation that is currently unfolding at Canadian mine sites abroad also mirrors the process of subject formation that Escobar argues occurred, in both the Global North and South, as a result of the post-war discourse on international development. Butler's insight into the process of subjectivation, offered in the introduction, is worth reconsidering in this light:

> the subject seeks to recognize itself in terms of the norms that condition and constrain subjectivation. It comes to interpret itself in light of this norm, and to measure itself against that ideal. And this ideal and norm will be, invariably, discursively elaborated: here is the term, the sign which you must approximate, the one that will allow you to be known, the one that will allow you to know and, indeed, experience yourself as a self. (Butler "Politics, Power and Ethics")

Crucially, a fully-formed subject does not encounter "the norms that condition and constrain subjectivation," to navigate and negotiate one's relationship with those norms. The norms themselves constitute the process of subject formation. Butler elaborates further:

> A subject does not exist who then confronts an ethical law and seeks to make itself compliant with that law. The law enters into the practices of subjectivation that form the context, the modes of possible subjectification, which in turn establish some region of the self as that to be acted on, transformed, and cultivated as the subject becomes an ethical subject. The ethical subject is not presumed, but is itself cultivated by the norm which summons the subject to recognize itself according to the norm. The norm thus makes the

> subject possible, and it is also the means by which the subject comes to recognize itself as an ethical subject. It is in other words both that toward which I strive and that which gives my striving the particular form that it has. (ibid)

The chapters that follow cite various examples of the construction of "ethical laws," or standards of what is deemed to be good, just and valuable. Subjects are "summoned" to recognize, know and experience themselves according to those norms. The discursive construction of Canadian mining projects as purveyors of collective emancipation from the "poverty" of one's existence, invites subjects to aspire towards the "better" way of being that the discourses on Canadian mining projects promise. Correspondingly, the discursive construction — indeed demonization — of those who oppose or resist Canadian mining projects as radical, irrational threats to the project of collective betterment, also serves as a foil that helps to construct the standard by which subjects are "summoned" to aspire. Both discursive constructions operate to cultivate the subject positions that not only embrace Canadian mining activities in their regions, but oppose those who may critique or resist those activities.

Escobar's previously cited claim is also worth reconsidering in this regard: "The policies and programs that originated from this vast field of knowledge inevitably carried with them strong normalizing components. At stake was a politics of knowledge that allowed experts to classify problems and formulate policies, to pass judgment on entire social groups and forecast their future — to produce, in short, a regime of truth and norms about them" (Escobar *Encountering Development* 45-6). Through international development interventions, subjects in countries of the Global South, throughout Latin America, Africa and Asia, inherited a series of norms by which to understand themselves, and came to view themselves as aberrant and deficient in terms of their "development." They came to see themselves as "backward," defective societies relative to the benchmarks of normalcy and "success" embodied in the more "advanced" nations of Western Europe and the United States. He argues that in the "mainstream

development literature" — which ranges from early UN, IMF and IBRD documents, to contemporary academic discourses, the central figure is

> a veritable underdeveloped subjectivity endowed with features such as powerlessness, passivity, poverty, and ignorance, usually dark and lacking in historical agency, as if waiting for the (white) Western hand to help subjects along and not infrequently hungry, illiterate, needy, and oppressed by its own stubbornness, lack of initiative, and traditions. This image also universalizes and homogenizes Third World cultures in an ahistorical fashion. Only from a certain Western perspective does this description make sense; that it exists at all is more a sign of power over the Third World than a truth about it (8-9).

Subjects in Central America and abroad who are being persuaded to embrace Canadian mining in their midst are likewise being construed as poor, ignorant, passive and deficient. The comments of Canadian embassy staffer Ginette Martin referred to in the prologue are but one example of this. That said, unlike the process that Escobar argues unfolded in post-war international development practices, subjects in Central America today are not being *publicly* treated as passive by the regimes of governmentality that seek to win their consent to the economic model that benefits foreign-owned mining companies, largely at their expense. Rather, subjects are being persuaded to actively take charge of their own development; this is being done by configuring subjects' aspirations and longings in a way that is commensurate with Canadian miners' interests. The next two chapters illustrate this point in greater detail, in discursively analysing a Goldcorp billboard campaign in Guatemala, and a staged, pro-mining march in Guatemala City.

Escobar argues that the norm by which Third World subjects are to calibrate their lives' aspirations need not be explicitly articulated; it is implied in the nature of the "deviance" to be corrected. He argues that development proceeded by "creating 'abnormalities' (such as the 'illiterate,' the 'underdeveloped,' the 'malnourished,' 'small farmers,' or 'landless peasants'), which it would later treat and reform. Approaches that could have had positive effects in terms of easing material constraints became, linked to this type of rationality, instruments of power and

control" (41). Having internalized this discourse on "underdeveloped" and the ensuing "underdeveloped subjectivity," nations of the Global South thus embarked upon broad societal campaigns of "un-underdeveloping themselves by subjecting their societies to increasingly systematic, detailed, and comprehensive interventions" (6). As "prosperity" was defined in strictly capitalist, material terms, lacking "prosperity" (hence, being "poor") meant lacking the money and material possessions enjoyed by the "rich" of the Global North. As Escobar argues, "almost by fiat, two-thirds of the world's peoples were transformed into poor subjects in 1948 when the World Bank defined as poor those countries with an annual per capita income below $100. And if the problem was one of insufficient income, the solution was clearly economic growth" (23). This discourse forms an integral component of the hegemony of "development" being currently constructed by regimes promoting Canadian mining abroad. Mining is presented as offering badly-needed economic growth, although corruption and a lack of transparency throughout the Global South where Canadian miners are operating can often prevent the "economic growth" from translating into net benefits for a majority of the population. In fact, average living conditions near the mine site and beyond can deteriorate with the introduction of a Canadian mine.[29]

Although the eradication of poverty became the professed goal of development, Escobar's work suggests that it is no more possible to eradicate poverty with the discourses that

[29] One emblematic case study is Honduras' Siria Valley; as open-pit metal mining is incredibly water-intensive, local community members have had to cope with the effects of drastically reduced water supplies since the mine began operation. The main source of economic development in the region had been agriculture; as rivers dried up, the valley that had previously exported its surplus food production to the capital city and beyond, now found itself importing food. Thousands of agricultural workers also found themselves needing to embark upon the treacherous trek to the United States, to seek employment as undocumented manual labourers. Furthermore, with the rash of health complications emergent in the region after the mine began operation, local community members complained of spending their diminished financial resources on medical care. Water scarcity and pollution of existing sources also prompted locals to purchase water (an expensive luxury that was simply out of reach for most Hondurans living in the valley). See the accompanying documentary video, *All That Glitters Isn't Gold* for testimonials of numerous individuals living in the valley.

created it than it is to eradicate terror with warfare — it can only perpetuate it. The actual material effects of development interventions were in fact often entirely contrary to the explicitly stated goals of poverty eradication, or as Escobar argues, "massive poverty in the modern sense appeared only when the spread of the market economy broke down community ties and deprived millions of people from access to land, water, and other resources. With the consolidation of capitalism, systemic pauperization became inevitable" (22). That, however, did not hinder the program of bringing "development" to "the world's poor;" the fact that living conditions, by and large, *declined* in the Global South over the decades that followed these Northern-made interventions was neither cause to dismantle nor even question the dominant discourses on what constitutes development, and how it can best be achieved. This presented profound challenges to those seeking to consider and implement alternatives to the hegemonic model of development. Escobar argues that,

> development had achieved the status of a certainty in the social imaginary. Indeed, it seemed impossible to conceptualize social reality in other terms…The fact that most people's conditions not only did not improve but deteriorated with the passing of time did not seem to bother most experts. Reality, in sum, had been colonized by the development discourse, and those who were dissatisfied with this state of affairs had to struggle for bits and pieces of freedom within it, in the hope that in the process a different reality could be constructed (5).

This is the paradigm from which emerges the discourse of development that is exported abroad today by Canadian miners and their state sponsors. It is the history from which the present investigations will begin. The "colonization of reality" that Escobar refers to is a key component underlying any critical discourse analysis, and as noted in the introduction, Gramscian understandings of hegemony allow us to realize that this colonization process is never *completed,* but is always an endless work-in-progress. That said, it would also be an error to presume that subjects can easily identify hegemonic truth claims and handily bypass their effects. The initial task of unmasking hegemony — of exposing the dominant, accepted truths claims that

masquerade as incontestable reality and advance a very particular distribution of wealth and power — can be difficult enough unto itself; to then take an oppositional stance can often be so dangerous as to be life-threatening, depending upon the depth to which a hegemonic understanding resonates in a given social context, as well as the stakes involved (i.e. the power that is threatened by adopting an oppositional stance). Such a fate has tragically met many concerned citizens in Latin America who have resisted Canadian mining in their midst. Some of their stories are told in the latter chapters of this dissertation, as well as in the conclusion.

This dissertation adopts Escobar's theoretical position as a useful starting point, taking up a challenge that he expresses throughout various works, to contribute to the task of liberating the discursive field of "development" in order to help usher in alternatives (14) — that is to say, contribute to the exposing and dismantling of hegemonic truth claims of development and democracy that ultimately serve to further disenfranchise already marginalized populations, so that more just and equitable models of social organization can be imagined and implemented. It also proposes going beyond the work that Escobar has offered, by illustrating, via critical discourse analysis of several concrete practices, the ways in which hegemonic narratives of "development" and "democracy" are presently being constructed as nodal points of discourse; they thereby become the foundations upon which further truth claims are built, and by which subjects come to conceive of themselves and their realities. This process — of constructing carefully tailored definitions of "democracy" and "development" as nodal points of discourse — does not work in the service of improving lives, although that is certainly the discursive banner behind which it is advanced. Rather, it works to subject entire societies to a specific regime of control. It works to create subject positions that embrace, and even fight for, conditions that are

ultimately of maximal benefit to Canadian extractive industries, while often leaving minimal benefits and causing great harm in the countries where the mining takes place.

That said, to restate an earlier disclaimer, this dissertation does not propose that the process of subjectivation operates as a tidy causality — as a simple determinism whereby social subjects are invariably shaped according to the values of the hegemonic normative constructs examined. The process of strategically signifying the nodal points of discourses on democracy and development, along the lines explored in the following chapters, is unfolding as an ongoing battle to win subjects' acceptance of, and identification with, the discursive constructs examined. The purpose of these examinations, then, is not to propose a facile model whereby some subjects willingly and wittingly adopt hegemony whereas others resist, but to reveal the nature of the conflict that ensues when the battle lines are drawn as they presently are. Again, as these battle lines are being drawn globally by Canadian mining companies and the Canadian state, it may be especially in the interest of Canadians in particular to consider how this process is unfolding.

As noted in the introduction, a departure from Escobar and subsequent post-development scholarship is the caution offered in Chapters 4 and 5, whereby heeding the call for resistance based in local epistemologies can perversely situate resistance movements in a way that actually assists in the advancement of the projects being resisted. Escobar, for instance, argues that "subaltern actors" indeed produce alternative discourses which circulate widely in social networks, and have important implications (Escobar "Whose Knowledge, Whose Nature?" 56). He calls for attention to be paid to "the strategies people in the Third World pursue to resignify and transform their reality through their collective political practice" (Escobar *Encountering Development* 17). This dissertation proposes that this stance is ultimately incomplete, and potentially counterproductive, if we do not also heed the ways in which those resignifications

and transformations via collective political practice are themselves being carefully signified such that they may ultimately come to fuel the advancement of the dominant hegemonic regime being resisted. Today's discursive construction of the "anti-mining activist" — an identity that is routinely tarred upon those who resist Canadian mining practices — mirrors, emerges from, and has a similar function to earlier discourses on communism that were virulent in the region during the Cold War, justifying a whole host of economic and militaristic interventions whose devastating implications are still reverberating today. Chapters 4 and 5 elaborate further.

This dissertation also argues that Foucault's later work on biopower and governmentality, combined with some of his earlier insights into disciplinary power, ultimately yields the most useful optic to accurately render current struggles over Canadian resource extraction in Central America and beyond. Escobar succinctly defines biopower as "the appearance of forms of knowledge and regulatory controls centred on the production and optimization of life…[it entails] the 'governmentalization' of social life, that is, the subjection of life to explicit mechanisms of production and administration by the state and other institutions" (228, note 1).[30] Governmentality, which is often defined most basically as the "conduct of conduct," involves initiatives that may not necessarily be state-based in origin, but which seek to shape the conduct of entire populations along specific lines. Foucault (2000) notes that its purpose is to secure the "welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, and so on" (Foucault "Governmentality" 217). As Tania Li (2007) explains, distinct from earlier conceptions of disciplinary power that seeks to transform subjects at the individual level, governmentality, rather, operates by targeting the population as a whole, by

[30] Beyond grounding his deconstruction of discourses of development that emanated from centres of power in the Global North following the Second World War, theories of biopower and governmentality also ground his exploration of the 19th century construction of the separate class of "the poor," who became subject to expert-knowledge-based management and intervention techniques. His analysis also draws heavily upon Raymond Williams' 1973 *The Country and the City*.

"educating desires and configuring habits, aspirations and beliefs" (Li 275). People with the "right" desires and aspirations need no direct coercion; power under governmentality operates en masse and at a distance, making it difficult to see how consent to a given distribution of power is being won.

This dissertation posits that theories of governmentality help to shed light on the efforts undertaken by Canadian miners operating abroad as well as efforts of their backers in the Canadian and host-country governments, to gain "social license" to operate. As noted earlier, contrary to the passive, lazy, defective subject that Escobar cites as the central figure of post-war development literature — the subject who must be acted upon and saved by outside forces, subjects in the Global South today are not at all being conceived of as powerless or lacking in historical agency; rather, they are being heavily invested in as sites of great potential to *actively* advance Western hegemonic articulations of development. Canadian mining companies and representatives of the Canadian state are educating desires and aspirations, by seducing subjects in Central America to improve and empower themselves via identification with the carefully branded discourses of democracy and development that they proffer. Ultimately, however, this model empowers the North, while often leaving a trail of destruction in its midst in the South. This is the critical twist, and it extends the underlying logic that Escobar attributes to the invention of "development" following the war: while subjects in Central America are indeed having their desires educated and their habits, aspirations and beliefs configured — and all with the promise of improvement and "development" that is guaranteed if one embraces Canadian-owned mining projects, the actual social improvement is largely felt by mining company executives and shareholders. As the Canada Pension Plan invests heavily in the companies

examined in the pages that follow, all Canadians who make CPP contributions are thereby shareholders in these corporations[31] and beneficiaries of their activities both at home and abroad.

Before turning to Chapter 2, a brief analysis is offered of the phenomenon in which symbols of indigeneity are invoked by Canadian mining companies and representatives of the Canadian government to legitimize Canadian mining practices abroad. This branding of indigeneity itself is one component of the larger project of shoring up the hegemonic discourse of development as noted here. Many of the regions in Latin America where Canadian miners currently operate or wish to operate, are inhabited by predominantly indigenous populations, who are often invoking their own discourses of indigenous rights and epistemologies to ground their rejection of the Canadian mines; in response, Canadian miners and the Canadian government have been investing in initiatives that make the hegemonic construction of mining as badly needed "development," to be entirely commensurate with indigenous values and belief systems. This corresponds with the policy campaign that the Canadian government has waged to *deny* indigenous peoples both at home and abroad the right to free, prior and informed consent of any commercial or industrial activities on their territory. Canada's opposition to the 2007 United Nations Declaration on the Rights of Indigenous Peoples (signing on at the last minute, and only out of shame, for not wishing to be the final holdout) is understood in this light.

Branding Indigeneity

Less than two weeks after the January 11, 2005 protest described in the prologue, against the passage of the cylinder to be used to construct Goldcorp's Marlin mine — a protest that left campesino Raúl Castro Bocel dead and numerous others wounded, Canada's ambassador to Guatemala at the time, James Lambert, went on the popular Guatemalan television talk show,

[31] Most pension plans of Canadian public sector unions, especially in trades tasked with developing and safeguarding society, such as teachers, police and firefighters, are also heavily invested in the mining companies examined in this dissertation.

"Libre Encuentro," to assure the country that Canada's model of mining development is not only harmless but greatly beneficial to local communities. He assured viewers that Canadians abide by only the highest of operational and safety standards, and offering a comparison, claimed that indigenous people in Canada have only greatly benefitted, both directly and indirectly, from mining activities in their territories. By means of offering corroboration, he invoked British Columbia Tahltan Chief Jerry Asp's unequivocal praise of the rewards that the extractive industries have brought to indigenous people in Canada. Indeed, Asp had the opportunity to bring his appeal directly to the Guatemalan people one month earlier, when he partook in a public forum in Guatemala City to discuss the issue. Asp's visit had been arranged by the Canadian embassy in Guatemala City and funded by the Indigenous Peoples Partnership Program (IPPP), a federal government initiative administered by the Canadian International Development Agency (CIDA).[32] Lambert asserted that,

> In the mining forum that was here [Guatemala City] at the beginning of December [2004] we invited a Canadian chief from an indigenous group from B.C. — Chief Jerry Asp. He came here, and precisely what he said was that 25 years ago when mining activity came to his indigenous reservation in B.C., the people had the same concerns that rural Guatemalans have: we don't have the capacity to face a corporate entity, with lawyers, with so much knowledge — if we did, they'd eat us alive. But he said, rather, that in confronting these challenges, they developed a capacity not only to manage a mine on their territory but they've already worked as consultants with other indigenous communities in Canada and in other countries to sell this experience. So, sooner or later, indigenous communities in Guatemala have to face the reality of a global society. So I believe that we should see it as an opportunity, instead of a threat. One cannot close society nor the economy, so one must seize the opportunity, and hopefully working with companies like the Canadians, which are reliable, is the better way, because if they don't come, other interests will somehow come to do the same.[33]

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[32] See http://www.acdi-cida.gc.ca/acdi-cida/acdi-cida.nsf/En/JUD-327123948-NQF

For a list of projects financed under the IPPP, see http://www.acdi-cida.gc.ca/cidaweb/cpo.nsf/vWebWBSEn?OpenView&RestrictToCategory=A031825

[33] "Libre Encuentro," episode #642, aired Jan. 23, 2005 (see http://www.libreencuentro.com.gt). Transcript and video of the episode on file with the author. The clips of Lambert's appearance on the show are available at: http://www.youtube.com/watch?v=wJUwLakTELs and http://www.youtube.com/watch?v=F-yfv5IrKus

This statement bears several hallmarks of the shoring up of hegemony: the ambassador, an authoritative "expert," offers a foreign-owned, mega-mining "development" model as natural and inevitable, given the apparently unavoidable and incontestable "reality of a global society." The ambassador sounds calm, rational and definitive. The only conceivable alternative is radical, unrealistic, naive and illegitimate: "one cannot close society nor the economy." Given that a majority of Guatemala's population is indigenous, Lambert targets their concerns about Canadian mining by citing a Canadian indigenous leader, Jerry Asp, who evidently endorses Canadian mining. Crucially, just like Guatemalan subjects today, Asp was similarly concerned when Canadian miners first entered his community 25 years ago, but has since come to see the error of those earlier concerns, as everything has ostensibly transpired beautifully. He came to realize that not only must indigenous people embrace the mega-mining model that Guatemalans now confront, but in the enterprising spirit of neoliberal capitalism, they may also leverage that opportunity to accrue even more value-added deliverables: they can work "as consultants with other indigenous communities in Canada and in other countries to sell this experience." What's not to like?

It was not unusual for the ambassador to make public declarations of this nature. Two months previously, he had published an editorial in Guatemala's major national newspaper, *Prensa Libre,* in which he extolled the virtues of Canadian mining expertise and urged Guatemalans to embrace the many opportunities that would invariably come from welcoming Canadian mining projects into the country. He began with a rhetorical pitch, wondering, "could it be possible that a country can be recognized as one of the most socially and environmentally responsible — ranked among the top places in the Environmental Sustainability Index — and is simultaneously a predominantly mining country, whose mining industry contributes $41.1 billion

to the economy? Well, yes. That's Canada!" He goes on to urge Guatemalans who may be debating the potential impacts of large-scale mining projects to consider how prosperous Canada has become by exploiting its natural resources, noting that thousands of communities, including over a thousand indigenous communities, "through the sustainable development of their mineral resources…are creating economic, social and cultural infrastructure necessary to secure their future and the future of their children." He concludes appealing to his readers to recognize the expertise that Canadians bring to the fore regarding resource extraction:

> Canada has been since its inception and continues being a predominantly mining country. Throughout a history of mining production spanning over 150 years, we have become one of the most intelligent administrators, developers, users and exporters of natural resources in the world. Today, Canadian companies are at the forefront of high technology, environmental protection and social responsibility. It is because of this that, in actuality, it is they who are at the forefront of many of the most successful mining operations in the world.[34]

Lambert was quickly criticized in the Guatemalan press for making such a crudely over-simplified, jingoistic pitch. As a columnist in the next day's paper noted, the comparison is sharply misleading; unlike Canada, Guatemala lacks the regulatory frameworks and enforcement mechanisms required to ensure the safety of local residents and the environment, nor does it have the political or economic climate to ensure that the wealth generated would indeed produce prosperity that could be enjoyed by society at large.[35] She might have been surprised to learn that Canada often lacks these frameworks and mechanisms, and the political will to implement them, as well. Furthermore, in dismantling critical regulations that protect marine ecosystems — and ramming through such drastic legislation by packing it into omnibus budget bills, the Canadian government is currently working to *undo* the environmental protections that once

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[34] James Lambert, "Minería en Canadá." *Prensa Libre*, Nov. 4, 2004. Available at: http://www.prensalibre.com/opinion/COLABORACIONbrMineria-Canada_0_95991188.html

[35] Magali Rey Rosa, "Minería en Guatemala." *Prensa Libre,* Nov. 5, 2004. Available at: http://www.prensalibre.com/opinion/COLECTIVO-MADRESELVAbrMineria-Guatemala_0_95990727.html

existed, and all in the interests of serving Canadian extractive industries.[36] The ambassador's specious comparison also conveniently ignores the fact that Guatemala lacks any semblance of a functioning justice system, that labour leaders and rights activists are routinely threatened and assassinated, and that 1% of the population still owns over two-thirds of the land.

Ambassador Lambert, not unlike the public relations initiatives frequently advanced by the extractive industries, bills these projects as nothing but badly needed "development," with no mention of the dramatic and often irreversible health, environmental and social harms that such projects frequently cause, such as the issues previously noted regarding Honduras' Siria Valley: dramatic depletion of surface and ground water sources; pollution of existing water sources with heavy metals, mine tailings and chemicals used in the extraction process; a subsequent increase of serious illnesses in the surrounding regions, including an increase in rates of miscarriages — in both humans and livestock; and divisions within communities between those seeking employment from the mining company and those opposed to the impacts of the project — divisions which can divide not only villages but families, and which not infrequently turn violent.

One criticism that never surfaced following Lambert's television appearance, however, involves not his claims, but what he conveniently neglected to mention: at the very moment at which he referenced Canadian indigenous chief Jerry Asp on Guatemalan national television to

[36] On December 4, 2012, the majority Conservative government passed an omnibus budget bill, Bill C-45. It was passed by the Conservative-dominated Senate the following week, becoming law. Some of the more contentious elements of the bill include provisions to privatize First Nations territory, and the elimination of environmental protections safeguarding bodies of water such as rivers and lakes. Critics charge that the former is designed to assist in the extraction of natural resources on First Nations land, and the latter to facilitate the installation of oil and natural gas pipelines, as well as to ease waste-dumping restrictions previously imposed upon mining companies. Bill C-45 comes on the heels of another omnibus budget bill, C-38, which was passed in the House of Commons on June 18, 2012, and also guts existing environmental protection measures. These legal changes were among the factors that triggered the "Idle No More" protest movement in early 2013. For civil society response to these bills, see the Council of Canadians' stance at http://canadians.org/blog/?s=%22C-45%22 and rabble.ca's compendia of information, at http://rabble.ca/category/tags-issues/bill-c-45-0 and http://rabble.ca/category/tags-issues/omnibus-budget-bill-c-38 (accessed 3 March 2013).

exemplify indigenous support for mining activities in Canada, 35 Tahltan elders between the ages of 55 and 84 had been occupying his band council office in Telegraph Creek, B.C., outraged and embarrassed at Asp's public conduct. They had already been there for a week and would continue to occupy the office for another month. The elders asserted that Asp was corrupt — that he had been thoroughly bought out by pro-mining interests and had utterly abandoned traditional values in pursuit of the money, travel and other personal benefits that he was being showered with for singing the praises of the extractive industries. They also pointed to the glaring conflict of interest of Asp also acting as Chief Operating Officer of Tahltan Nation Development Corporation — a corporation that he founded twenty years earlier — which provides construction, maintenance and support services to several extractive industries operating on or near Tahltan territory. Asp is also the vice-president of Canadian Aboriginal Minerals Association — a group which he also helped to create — which encourages extractive industries operating on First Nations territory. The Tahltan elders who occupied Asp's band council office asserted that he no longer spoke for his people and must therefore step down as chief.[37] In a joint statement released during the occupation, the elders declared that, "Jerry Asp has lost all credibility. He is far too cozy with industry and government, and poses a threat to our very existence… He has done enough harm to our people and puts us in danger of losing everything… our land, resources and rights are being sold out from under us... this day will go down in Tahltan history as the day the Elders took back their power."[38]

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[37] Stephen Hume, "Elders With E-Mail — Government and Industry Take Note," *Vancouver Sun*, http://www.miningwatch.ca/en/elders-with-e-mail-government-and-industry-take-note (February 23, 2005); Mark Hume and Wendy Stueck, "Elders Stage Month-Long Sit-In Waiting to Speak to Their Chief; B.C.'s Tahltan, Worried over Land Claims, Declare Moratorium on Mine Development," *The Globe and Mail* (February 26, 2005), p. A5.

[38] Monte Paulsen, "The Seizure at Telegraph Creek," *The Tyee,* February 22-23, 2005. Available at: http://thetyee.ca/News/2005/02/22/TheSeizureatTelegraph and http://thetyee.ca/News/2005/02/23/TelegraphSeizurePart2 (accessed 11 February 2013).

A similar situation occurred elsewhere in Latin America. Ron Evans, Grand Chief of the Assembly of Manitoba Chiefs, reached out to the Diaguita Huasco Altino indigenous people in Chile under the guise of cross-cultural solidarity and exchange of indigenous knowledge and practices. The Diaguita are actively resisting Barrick Gold's Pascua Lama project — an open-pit gold, silver and copper mine currently under construction, whose deposit sits in the immediate vicinity of Andean glaciers in the Huasco Valley on Chile's border with Argentina.[39] As of February 2013, the mine was still under construction. While Barrick asserts that it can successfully mine without disturbing the glaciers or causing any other environmental damage, critics of the project scoff at that claim, noting that in its exploratory and construction phases, the mining activity has already almost entirely depleted three glaciers. Many residents of the region argue that in destruction of the glaciers, the mine threatens to destroy the water supply used by the 70,000 farmers in the valley.[40]

The Diaguita Huasco Altino people in Chile actively oppose Pascua Lama for the dramatic and irreversible environmental and cultural destruction that they argue is an inevitable consequence of the project, and in 2005, they sent out an open call for support for their stance. Ron Evans responded to the call, and in January 2006, he and his assistant Don Clarke traveled to Chile in order to meet with the Diaguita. The Diaguita were initially willing to engage on good faith Evans' gesture of purported solidarity and proposed inter-community cultural exchange initiative. At a meeting in Santiago on January 19, 2006, Evans and Diaguita Huasco Altino chief Sergio Campusano signed a formal agreement of cooperation between the two

[39] Barrick's information on the mine is available at: http://www.barrick.com/operations/projects/pascua-lama/default.aspx (accessed 8 February 2013).

[40] A summary of environmental concerns over the project compiled by the Latin American Observatory of Environmental Conflicts (Observatorio Latinoamericano de Conflictos Ambientales - OLCA) is available at: http://www.olca.cl/oca/chile/pascualama.htm (in Spanish) (accessed 30 January 2013).

peoples.[41] Campusano soon discovered, however, that Evans was working with Barrick Gold, and the connection between the two parties was actually part of an initiative to gain social license at the mine site and undermine community resistance to the project. The Diaguita demanded an explanation from Evans, and when none was forthcoming, they renounced the program and cancelled any arrangements made between the two indigenous communities.[42]

An important fact that Campusano only learned later is that Ron Evans was infamous within his own northern Manitoban community of Norway House for corruption, election fraud and other abuses of power.[43] In fact, merely one month after Evans and Campusano signed their accord in Santiago, a Canadian Federal Court Judge in Ottawa ruled that Evans had flagrantly abused his power as chief of Norway House Cree Nation, engaging in numerous practices that "failed to respect the notion of representative democracy," including blackmail and influence peddling.[44]

Of great concern to Campusano is how Evans used his status as an indigenous leader to seduce a relationship of purported solidarity with the Diaguita people. Evans neglected to mention that he had been hired to do so to facilitate the Diaguita's acceptance of the Barrick mine. Unbeknownst to Campusano, Evans was working in the role that Ambassador Lambert had celebrated on Guatemalan television: he was an industry-paid consultant, hired to work "with other indigenous communities in Canada and in other countries to sell this experience," as

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[41] Text of the accord is available at http://www.minesandcommunities.org/article.php?a=195 (accessed 30 January 2013).

[42] See "Denuncian a Jefes de Manitoba en Encuentro Indigena" (Manitoba Chiefs Denounced at Indigenous Gathering) available at http://prensa.politicaspublicas.net/index.php/alatina/?p=4516 or http://prod.sucre.indymedia.org/es/2006/10/34633.shtml (accessed 30 January 2013).

[43] Rosalyn Yake, "No News is Bad News: The 2006 Norway House Elections." Available at http://www.friends.ca/DCA/2010_winners/RosalynYake (accessed 30 January 2013).

[44] Federal Court of Canada decision in Balfour v. Norway House Cree Nation: http://decisions.fct-cf.gc.ca/en/2006/2006fc213/2006fc213.html and http://decisions.fct-cf.gc.ca/en/2006/2006fc266/2006fc266.html (accessed 30 January 2013).

Lambert put it, of embracing Canadian mining. Instead of disclosing this, Campusano states that Evans sought to win his trust by speaking of indigenous issues and values, and of cross-continental indigenous solidarity.[45] Evans even presented himself to Campusano in traditional indigenous garb, wearing a beaded vest and a ceremonial eagle-feather headdress (see Figure 1).

The initiatives of Canadian government and Canadian extractive industries propping up selected indigenous leaders whose legitimacy is questioned by their own people, in order to act as good-will ambassadors for the mining industry, comes in direct response to the fact that communities in the Global South — many of which are indigenous — have increasingly begun to resist Canadian-based mining projects in their areas. It comes as a direct response to the fact that numerous countries in Latin America have seen growing community-based resistance movements emerging in response to the adverse consequences that foreign-owned mining ventures have brought to the region — issues which Ambassador Lambert also neglected to mention in his elementary praise of the industry on Guatemalan television. Tying indigenous symbolism to Canadian open-pit metal mining is one component in branding development as a nodal point of discourse that indigenous populations of the Americas can come to embrace, and numerous Canadian mining companies that are facing resistance from indigenous populations near their mine sites abroad are currently branding themselves in this way.

One example is Canadian gold mining company IAMGOLD. IAMGOLD has provoked what Liisa North (2012) refers to as "quite spectacular levels of protest" in the Andes of Southern Ecuador, over their plans to construct a mine that threatens to contaminate a lake that is both sacred to the local indigenous population, as well as an integral source all of the surrounding communities' drinking water (Bonilla 2011). At a local referendum, over 90% of

[45] Personal interview with Sergio Campusano. Vancouver, June 2, 2012.

the population voted against the mining project, insisting that the mine is not the model of "development" that they want or need in the area. In light of this, IAMGOLD uses the image of smiling, peaceful indigenous people to brand its corporate logo (see Figure 2).

A similar branding strategy can also be seen on the cover of a Glamis Gold Annual Report (see Figure 3). Glamis Gold is the company that constructed the open-pit Marlin mine in the western highlands of Guatemala. The company was subsequently purchased by Goldcorp. As noted, Glamis faced tremendous opposition to the project — mostly from local indigenous communities, before construction had even begun. If one examines their Annual Report for that year (2005), below the terms "Responsible Growth," the report's cover is adorned with three photographs: the first shows a white male — ostensibly a mining executive — explaining something while his audience inspects a display of rock samples. The second image is an aerial photograph of the mine, surrounded by lush mountainous vegetation.[46] Beside this is the third photo, in which an indigenous Mayan woman, wearing a traditional corta and a bright orange reflective safety vest and holding her hard hat by her side, stands in front of the massive truck which she ostensibly operates. James Schenk, Sustainable Development Manager for the mining company, revealed that the woman pictured indeed operates this truck, and that this photo is the company's favourite publicity shot. Schenk, who advises that he took the photograph, explained how the woman doesn't actually work in her corta, but for the sake of the photograph, he asked her to pose before the truck in her traditional Mayan skirt.[47] Indeed, the Mayan woman, posing with both her traditional garb and her mining safety attire, appears to be gazing proudly at the

[46] This photo is somewhat absurd unto itself: as will be detailed further in the next chapter, open-pit gold mines use powerful explosives to literally demolish a mountain to dust, after first clear-cutting the timber and other foliage that adorn it. The pulverized rock is then soaked in a cyanide solution to extract the gold ore. A more realistic photograph of the Marlin mine can be found at http://www.mimundo.org/2007/07/18/gold-mine-worsens-social-tensions (accessed 7 February 2013).

[47] Personal interview with Schenk. Goldcorp head office, Guatemala City, 2006.

mine and the surrounding lush green landscape of the photograph beside her, as though appraising the entire mining operation and stamping it with a seal of approval. This image, as a posed photograph, can be read as a performance: the indigenous woman standing proudly before her mining truck and surveying the landscape of a transnational mining operation, evokes culturally entrenched symbolic narratives of women as maternal caregivers and indigenous people as environmental custodians. Both narratives serve to cast a legitimizing light upon the company's operations.

This assumption of indigenous people as environmental guardians or stewards permeates popular cultural assumptions as well official documents which address environmental protection. Principle 22 of the Rio Declaration on Environment and Development, from the 1992 United Nations Conference on Environment and Development (UNCED), states that, "indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices." It is upon this premise that this declaration asserts that states should, "recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development."[48]

Invoking symbols of indigenous people as traditional environmental custodians embracing this model of mining, is one component in the construction of the hegemonic discourse of development that Canadian industry and government are shoring up worldwide. This strategy seeks to occlude the varied and legitimate concerns that indigenous peoples are expressing in their resistance to this model of development, in order to shore up support for Canadian mining projects abroad. This selective branding practice ignores not only the often-

[48] See http://www.unep.org/Documents.multilingual/Default.asp?DocumentID=78&ArticleID=1163 (accessed 7 February 2013). For a treatment of the various ways in which this myth has been invoked and co-opted, see Wade 1999, Escobar 1997 & Taussig 1987.

questionable legitimacy of the designated indigenous representatives, but also the reality of deep-seated First Nations resistance to mining projects within Canada as well. Canadian law does not grant subsurface mineral rights to property owners, allowing mining companies to stake a claim to such rights, even on First Nations territory, without mandating prior consultation. Numerous members of First Nations communities in Canada have spoken of the shock of first learning of a mining claim on their territory only after stumbling upon the company's exploration equipment in the bush. Canadian law unequivocally supports the mining company's position, and First Nations' efforts at blocking unwanted mining explorations on their territories have been met with a strong state response. Certain leaders, such as Ardoch Algonquin co-chiefs Robert Lovelace and Paula Sherman, have even been imprisoned for their efforts at blockading access to the staked concession, in order to prevent the unwanted mining project on their territory.[49] Lovelace, unlike government/industry spokesperson Jerry Asp, has the overwhelming backing of his community, but, for obvious reasons, has never been asked to sell Canadian mining to indigenous populations abroad.

The next chapter critiques how Goldcorp is seeking to signify "development" as a nodal point of discourse in Guatemala. The chapter offers a discourse analysis of a Goldcorp advertising billboard campaign in the country. As cautioned earlier, when considering the advertising campaign in light of the process of subject formation and identity construction, the

[49] On February 15, 2008, Sherman and Lovelace were sentenced to six months in jail and fined $15,000 and $25,000 respectively, for their efforts at blocking the activities of Frontenac Ventures Corp., which had been engaged in exploratory drilling for uranium on Ardoch Algonquin land near Sharbot Lake — approximately 60 km north of Kingston, ON. The co-chiefs were part of a larger contingent of Ardoch Algonquin and Shabot Obaadjiwan protesters who opposed the mining operation for the environmental contamination they worried would ensue. They also objected to the courts granting Frontenac Ventures license to explore on their territory without first consulting either First Nation. See http://www.cbc.ca/news/canada/ottawa/story/2008/02/15/ot-contempt-080215.html (accessed 7 February 2013). Lovelace outlines many of his community's concerns, as well as critiques the legal framework in Canada that led to his confrontation with the mining company and Canadian state, in a 2011 address to Amnesty International in Toronto, available at: http://www.miningwatch.ca/Lovelace_Oct2011 (accessed 7 February 2013).

argument here is not that the billboards somehow magically and immediately transform subjects into perfect receptacles of hegemony. The aforementioned "seduction" and processes of identity construction are neither straightforward nor consistently adopted among subjects. The proposition here is certainly not that by merely viewing a single mining company billboard — in being "summoned" by its narrative, as Butler might say, subjects are magically "injected" with the hegemonic discourses involved. Rather, Goldcorp's billboard campaign, like the other sites examined in the chapters that follow, is offered as but one amongst many possible *indicators* that reveals an underlying strategy at work. Those indicators point to a very specific regime of representation at work. The purpose of these investigations, then, is to unpack that regime of representation that shores up particular hegemonic truth claims, and reveal the specific nature of social control and conflict that transpires in that regime's implementation. The dialectical engine detailed in the introduction is proposed as a useful means of conveying how this process is unfolding and what ensues as a result. Before turning to the strategic representation of mining that is offered by the billboards, however, the analysis will first be grounded with a more detailed account of the actual materiality of the Canadian mining practices that subjects are confronting in Central America and beyond.

"We invest in the dreams of a developing country."

- slogan on Goldcorp billboard, Guatemala City

CHAPTER 2

Open-Pit Metal Mining and the Politics of Legitimation

Open-Pit Metal Mining

The Guatemalan protests described in the prologue, against the passage of the cylinder that would be used to construct Goldcorp's open-pit Marlin mine, were ultimately unsuccessful. By 2006, the mine had been constructed and was fully operational, giving the country its very first open-pit mine, and giving Guatemalans a first-hand glimpse into what this type of mining actually entails. While there is a subterranean component of the Marlin mine, from its initial days of production in 2005 until 2012, it was largely an open-pit mine.[50] Open-pit mining has nothing to do with the long, dark tunnels and underground shafts that are characteristic of many popular conceptions of mining. Open-pit mining (*minería a cielo abierto* in Spanish — mining that is open to the sky) operates entirely differently. Rather than burrowing deep into the earth to excavate the desired minerals, the open-pit process extracts them from the surface of the earth, and is considered to be a relatively inexpensive way to exploit trace amounts of metals that are naturally occurring in an area. The process involves first clear-cutting the trees and shrubs that grow atop the mountain or hill that is to be mined, then removing the soil that lies underneath in order to get to the bare rock. In industry parlance, trees, shrubs, soil and anything else that grows

[50] Goldcorp reports that open-pit operations at Marlin ceased in 2012, making the mine exclusively an underground operation. It also reports that "Successful exploration activities in the area indicate the potential for extending the life of this highly productive mine," suggesting the possibility of renewed open-pit practices at the mine. See http://www.goldcorp.com/English/Unrivalled-Assets/Mines-and-Projects/Central-and-South-America/Operations/Marlin/Overview-and-Operating-Highlights/default.aspx (accessed 10 February 2013).

atop the rock is referred to as "overburden." Once the underlying rock is exposed, it is blasted with dynamite to break it apart, after which the boulders are collected and crushed to a fine powder. In a method known as heap leaching, the pulverized earth is then typically spread over leach pads, which are large flat areas lined with plastic or clay. Sprinklers or drip irrigation systems then soak the pulverized earth with a toxic solution — cyanide for precious metals like gold and silver, and sulphuric acid for copper, nickel and uranium ores. As these solutions naturally bond with metals, those that are naturally occurring in the pulverized, soaked earth are thereby separated from the rest of the rock, and pulled into the solution. In the case of precious metals, cyanide solution acts as a kind of liquid magnet for the gold and silver particles; the leaching process yields a solution which has become a form of liquid gold and silver, as well as any other metals found in the rock that had bonded with the cyanide molecules. The solution is then collected, from which the desired precious metals are extracted. These metals, in a liquid state, are then processed and refined to yield the solid metals that are sold and consumed. In some cases, in addition to or in lieu of leach pads, large lixiviation tanks are used to soak the crushed earth in the solution. Goldcorp's Marlin mine uses such tanks, whereas their San Martín mine in Honduras' Siria Valley used leach pads. This process repeats without interruption, 7 days per week, 24 hours per day, until the mountain or hill has been completely eliminated and mined of its gold and silver. Oftentimes, the mining continues to dig down, creating a huge open pit. Goldcorp estimates that the life-span of its Guatemalan Marlin mine to be around 10-15 years. The San Martín mine in Honduras' Siria Valley lasted for ten years. Many locals there express a shocked amazement that in that brief span of time, a mountain that had previously existed for millions of years has now completely disappeared, having been slowly and successively crushed to dust and soaked in cyanide. The accompanying documentary, *All That*

Glitters Isn't Gold: A Story of Exploitation and Resistance, conveys in greater detail the varied concerns of Siria Valley residents regarding the effects of the mine.

This method of mining is incredibly water-intensive, as regardless of whether lixiviation tanks or heap leach pads are used, the rock that gets pulverized to a fine dust must be soaked in the toxic solution in order to extract the desired metals from the rock. This is why Goldcorp's Marlin mine consumes an enormous quantity of water: according to the company's claims, it uses upwards of 250,000 litres per hour. Like all mining companies that employ this method of mining, Goldcorp claims that they recycle much of the water used, meaning that after the targeted metals are extracted from the cyanide solution, more cyanide is added, and the solution is reused to soak the next batch of pulverized earth.[51] Regardless, exhausted solution must eventually be dealt with somehow, as must the crushed earth, for after having been soaked in cyanide and the precious metals extracted, it is deemed by the company to be useless. Both are considered "tailings," which are typically dumped into large toxic tailings ponds, which must hold their contents in perpetuity. On the island of Marinduque in the Philippines, Canada's Placer Dome, co-owner and operator of a copper mine on the island, decided that a tailings pond was an unnecessary (and expensive) luxury; for the 16 years from 1975-1991, they released the mine tailings straight into Calancan Bay, causing unspeakable environmental damage, destroying the subsistence livelihoods of a dozen remote fishing communities situated along the bay, and leading to serious health problems for the surrounding inhabitants (Coumans "Whose Development?" 114). At the Marlin mine, Goldcorp dumps its toxic waste into large tailings ponds that they claim will neither leak, overflow nor rupture. Many Guatemalans have wondered what will happen after the mine closes and Goldcorp leaves the area. There are

[51] Even after factoring in water that gets recycled, the mine still consumes an estimated 760 litres of groundwater per minute (Patterson; Gordon 222).

significant allegations emerging from the Siria Valley that the tailings ponds there not only leak, but overflow into a nearby stream after heavy rainfalls.

Some environmental organizations have argued that open-pit metal mining is the dirtiest and most polluting industry in the world. To produce one ounce of gold, over one tonne of rock must be pulverized to dust and processed in the cyanide solution. The process can create upwards of 30 tonnes of toxic waste per single ounce of gold produced (Buncombe). The scale of open-pit mining is often enormous. At Los Filos, the largest gold mine in Mexico, over 70,000 metric tons of earth are processed each day (Casey). The dangers posed by this type of mining are many, including acid mine drainage, whereby sulphur that is often naturally occurring in the rock, oxidizes as a result of exposure to the air and rainwater, creating a sulphuric acid solution that can irreversibly contaminate rivers, streams and groundwater sources. The seepage of toxic cyanide-laden waste water into groundwater sources is always a pressing concern, despite mining company assurances that they chemically deconstruct the cyanide molecules into less toxic substances prior to releasing the tailings into the ponds. Beyond these concerns, other heavy metals that are naturally found in the earth, such as lead and arsenic, are also exposed to the air and rainwater as a result of the pulverization of the rock; these metals can then leach into the groundwater, which not only pollutes a community's water supply but the soil as well, as it is irrigated for agricultural purposes.

The health effects of consuming contaminated food and water are often devastating. The most pressing concern voiced by residents of Honduras' Siria Valley is the dramatic increase in illnesses and miscarriages (in both people and in cattle) that has plagued the region since the mine opened. Many residents of the Siria Valley have levels of lead and arsenic in their blood that far exceed the level that the World Health Organization considers to be dangerous

(Schertow; Spring and Russell).[52] Goldcorp and the Honduran government have consistently tried to suppress and delegitimize studies that demonstrate this. Most of the concerned citizens who agreed to be interviewed for *All That Glitters Isn't Gold,* expressed concerns about health problems as of paramount importance. My documentary video also documents Goldcorp's response: the company has been steadfast in denying that its mine has played any part whatsoever in the rash of illnesses seen in the region. Rather, they attribute the illnesses to the residents' poverty, and what they refer to as their inadequate personal hygiene habits. This claim enrages residents of the valley, who insist that while they may be poor, they are certainly not dirty. Furthermore, they insist that the valley had not experienced this explosion of illnesses and miscarriages prior to the mine's arrival. Similar health problems have also emerged in Guatemala near Goldcorp's Marlin mine, and Goldcorp's response has been identical.

The hazards of working in an open-pit mine are also significant. Former Goldcorp miners have come forward in both Guatemala and Honduras, attesting to the onset of severe health problems that they attribute to their employment with the mine and lack of adequate safety provisions. Numerous former workers who handled the cyanide, for instance, have complained about the onset of neurological problems after only a brief period of employment. They attest to having been given inadequate safety gear, stating that they were required to dump large sacks of powdered cyanide into mixing tanks, and all while wearing but a thin, inexpensive face mask that did not prevent the inhalation of the particles. They describe an intense burn in their noses and lungs as plumes of cyanide powder would fill the poorly-ventilated air, with some workers complaining of chronic nosebleeds. They also state that they were not given any company-issued attire, nor coveralls to protect their own clothing. They describe returning home from

[52] For the report of Honduran physician Dr. Juan Almendares on the heavy metal contamination found in residents of the Siria Valley, see http://healthtribunal.org/resources/reports-2 (accessed 7 February 2013).

work each night with their clothes caked in cyanide. The typical symptoms that emerged included chronic headaches, dizziness, fatigue, uncontrolled trembling and digestive problems. Those who complained of feeling ill describe how they were given pain killers by a company doctor, and sent back to work. When their feelings of illness left them unable to work any further, they were systematically terminated. Numerous former miners have attested that their symptoms have not subsided since, making it difficult for them to perform any kind of work whatsoever.[53] One of these miners is the father of the little girl, Leslie Yaritza, who is featured in *All That Glitters Isn't Gold.* Her father was reluctant to speak on-camera about his ordeal for fear of reprisal, but he and his wife did speak off-camera about his nightly return home to his family after work, in cyanide-laden clothes. He attributes that, as well as the documented contamination of the water in the region, to his daughter's illnesses. Sadly, since filming the documentary, she has passed away from her health problems.

In countries with poor governance structures, high rates of corruption, a dysfunctional justice system and little-to-no regulatory oversight and enforcement capacity, it should come as a little surprise that mining companies resort to cutting any and all possible corners in their pursuit of minimizing costs and maximizing returns. Canadian companies are no exception. Mining practices that would be illegal in Canada — that would elicit cries of gross negligence and result in legal problems for the company, are customary practices in poorer countries like Guatemala and Honduras.

The problems outlined above are only some of the typical dangers posed by open-pit mines operating under "standard" conditions, but when an accident occurs, the results can be catastrophic. When a tailings pond dam overflowed at the Aural gold mine in Romania on

[53] For testimonials of former Goldcorp miners in Guatemala and Honduras, see http://healthtribunal.org (accessed 7 February 2013).

January 30, 2000, over 100,000 cubic metres of toxic waste-water containing cyanide, copper, zinc and lead poured into the Tisza and Danube rivers. The spill is thought to have traveled over 2,000 km through Romania, Hungary, Yugoslavia and Bulgaria. The accident was considered to be the worst disaster in the region since Chernobyl (Howden; UNEP). Since then, similar spills have occurred in Ghana, Western Australia, Papua New Guinea, China, Honduras, Nicaragua and beyond. When Placer Dome finally built tailings containment areas for their Marinduque copper mine, it is questionable if they did even more damage than the previous practice of dumping the tailings directly into the bay. Coumans provides a chilling account of what transpired:

> In 1993, a dam holding back mine waste in the mountains near the mine burst, inundating the Mogpog River and nearby villages with acidic and metal-leaching sludge. Two children drowned in the waste and the river remains severely contaminated to this day. Three years later in 1996, a second waste containment failure filled the 26 kilometre-long Boac River with tailing waste from the mountains to the sea. While this latest catastrophic failure resulted in the suspension of the mine, the Boac River, the Mogpog River, and Calancan Bay have never been rehabilitated, resulting in ongoing economic impacts for local communities (Coumans "Whose Development?" 114-5).

The potentially devastating ecological and health implications of open-pit mining can thus be felt for generations to come, in spite of the relatively short lifespan of a typical open-pit gold/silver mine.

Canadian open-pit metal mining has exploded in the Americas and beyond over the past decade, igniting often violent conflict between locals near the mine sites who do not want the mine, and the host state that almost invariably acts in the interests of the mining company.[54] Conflicts are also not infrequent amongst locals, between those wishing for employment and secondary benefits from the mine, and those who fear that the immediate as well as eventual long-term consequences would surely outweigh any short-term benefits that a few may enjoy.

[54] See *supra* note 14.

As these consequences are many, the public anger in Guatemala that led to the 2005 road blockade that attempted to prevent the construction of Goldcorp's Marlin mine is multi-faceted. In addition to concerns over environmental contamination, water depletion and health harms, many local residents insist that there was little to no prior consultation with members of the affected communities, which is illegal under International Labor Organization Convention 169, of which Guatemala is a signatory. As Gordon notes, the mining company claimed that it had "organized hundreds of consultation meetings in 2003 and 2004, but indigenous people counter that the meetings were really only promotional sessions that offered no opportunity for meaningful consultation" (Gordon 222). Locals who attended some of these sessions described them as technical presentations describing the workings of the mine that was going to be built. Many later worried that their signatures gathered at the start of the meeting had subsequently been used as an indication of consent.[55]

Land sale is also a cause of anger in the region. It is not uncommon for miners to refrain from disclosing the true purpose of their desired land purchases prior to building the mine, and many Guatemalans who owned land on Goldcorp's Marlin concession and sold to the buyer who had approached them, report that they had no idea at the time that they were selling their land so that a Canadian mine could be built. They ended up selling for a fraction of what their land was worth after it became known that they were sitting, literally, on a gold mine. As it then became clear that a mine was being constructed, however, further landowners who were approached to sell do not speak of having an easier time than their neighbours who sold more blindly. Numerous campesinos whose land was desired by the company attest to strong-arm intimidation tactics that bullied them into selling. Identical tactics were reported near Goldcorp's San Martín

[55] Personal interviews with various campesinos in the towns surrounding the mine (2006, 2007 and 2009).

mine in Honduras and their Marlin mine in Guatemala: in both cases, local residents report being approached by buyers who assured them that they really had no choice but to sell. If they refused, the government would expropriate the land anyhow, and would compensate them at a far lower price than the one currently being offered by the company. Residents in both countries also spoke of receiving an ominous, dual-layered warning when they expressed reluctance to sell their land to the mining company: they were advised by the buyer that if they refused to sell, they would find themselves underground. They interpreted this to mean both that their land would no longer exist as it would be excavated in the mining process, and that they would be killed and buried. Holdouts were thus few and far between. One holdout, Diodora Hernandez, owns a small plot of land in an area where Goldcorp would like to expand its Marlin mine. She has consistently refused to sell, and also speaks out about the environmental harms she asserts have been caused by the mine. She has been subjected to threats and intimidation as a result. In a brazen assassination attempt, on July 7, 2010, two gunmen came to her home and shot her point-blank in the face.[56] Incredibly, she survived, and continues to be a force of resistance against the mine (see Figure 4). Two years later, in July 2012, she testified about the terror of her ongoing ordeal: "They've always wanted to buy my land and they've always threatened me for not wanting to sell it. Once I had my grandson in my arms and they put a machete to my neck. It wasn't until my grandson cried, that is what saved my life. This is what they have done and continue to do, and I have committed no other crime than not wanting to sell my land" (Geglia and Mychalejko).

[56] See "Urgent Action: Shooting of Community Leader Opposing Goldcorp Inc.'s Marlin Mine in Guatemala; Threats Against Local Leaders Escalate." 13 July 2010. Available at: http://www.miningwatch.ca/urgent-action-shooting-community-leader-opposing-goldcorp-incs-marlin-mine-guatemala-threats-against (accessed 2 February 2013).

Activists in Guatemala and Honduras have also raised the alarm regarding the legal mechanism that allowed this type of activity to transpire in the first place. There has been much anger in both countries over the passage of the countries' new mining laws. Honduras' new law was quietly passed while the country was in the throes of recovery from the devastation brought by Hurricane Mitch in October 1998 (Cuffe), which Klein (2007) refers to as an example of "disaster capitalism," in which business-friendly policies that hurt the broader public good are rammed through the legislative process and passed into law while people are in a state of shock (Klein *Shock Doctrine* 475). Guatemala's new mining law was quietly passed in 1997, shortly after Guatemala's thirty-six-year internal conflict officially ended with the signing of the much-anticipated Peace Accords. Both laws mimic the mining law reform that has occurred over the past 15 years throughout Central America and beyond. They remove foreign ownership restrictions, establish the state as owner of all sub-soil rights, allow for forcible expropriation of land from landowners within a mining concession who may be unwilling to sell to the company, provide for extensive tax holidays for foreign mining companies, oblige companies to pay a royalty rate of 1% — one of the lowest in the world (and in the case of Guatemala, half of that 1% is directed to the national government, and the other half to the local community where the mine resides), and they give mining companies unlimited access to all of the water available at the mine site, as well as all of the neighbouring communities' water sources, in order to meet its extraordinary needs. This applies even in areas of the countries that suffer from annual drought (Cuffe; Solano).

Daniel Vogt is an American Catholic priest who has been living and working in Guatemala since 1987. As founder and director of the El Estor Association of Community Development (AEPDI), Vogt devotes much of his time to defending the rights of local

indigenous populations. He echoes the sentiment of other Guatemalan social justice activists when he recalls how the new mining law was quietly passed by the Guatemalan Congress without any public notice, while the country was distracted with the Peace Accords. He states that it,

> just went through very quietly — nobody knew about it… Guatemala in 1996 — everybody was talking about the Peace Accords… Nobody was paying attention [to the new mining law]… it happened and nobody really followed it. In 1996, we were worried about [ILO] Convention 169 being ratified,[57]… Nobody was thinking about mining laws. That law was changed — it just happened, and nobody perceived it.

When asked about what forces lay behind the writing of the new law, Vogt neither hesitates nor equivocates:

> Behind the writing of it are Canadian mining interests — specifically Canadian mining interests. But again, they had willing Guatemalan collaborators. Nobody had to put a gun to anybody's head to write the mining law, because everything was the promise of development. The Peace Accords were all about that: once we would have peace in this country, we would have development… Somehow, nobody challenges this equation that mining equals development. It's understood that mining is development, that it is really something positive. It can be — it's economic development that's for a certain class of people — that it is. But to think of it as development for indigenous populations, to think of it as development as a real contribution to the overall betterment of its population — no. I'm certainly not convinced that it meets that equation here in Guatemala.[58]

Vogt is certainly not alone in this conviction. Guatemalan investigative journalist Luis Solano (2005) has revealed close ties between foreign — especially Canadian — mining companies and Guatemala's political elite, documenting the pressure exerted by industry upon the government in the 1990s for the radical legal reform that eventually manifested 1997's investor-friendly mining law (Solano). Chapter 5 examines the law in more detail. One of those involved in the struggles, which continue to this day, to repeal and reform Guatemala's mining law, is Francisco Rocael Mateo, Coordinator of the Departmental Assembly of Huehuetenango

[57] Guatemala indeed ratified the Convention in 1996, shortly after the signing of the Peace Accords.

[58] Personal interview. January 11, 2006. Transcript and video on file with the author.

in Defense of Natural Resources. His critique roots the new mining law in neoliberal reforms that have swept the entire region:

> I think that it was part of the contradictions and parallel agendas that have existed in this country. On the one hand we were in the context of the signing of the Peace Accords where we advanced quite a bit with the signing of the agreement on indigenous identity, but at the same time they were advancing with their structural adjustments to basically allow for the selling off of natural resources and promoting foreign investment. In this context, the mining law was passed with very little discussion and the population's right to consultation was not accounted for (Geglia).

The anger over these issues is palpable, making it impossible for mining companies to miss. For instance, in December of 2004, during the month that the cylinder to be used in the construction of the Marlin mine sat under armed guard on the side of the highway, the Mayan National Congress was held in Guatemala City. The declaration that emerged from the Congress was unambiguous: "Mining Licenses in Mayan Territory: Yet Another Form of Foreign Invasion." Faced with a mounting protest movement, Goldcorp, not unlike many other Canadian miners operating elsewhere in the world, has gone on the public relations offensive, embarking upon numerous initiatives that seek to brand mining as badly-needed development for the country. In billboard campaigns that emerged in 2008 and 2009, the company uses carefully chosen symbolic imagery to signify mining as not only harmless, but greatly desirable. As shall be seen, it is inadequate to refer to this and other public relations strategies as attempted greenwashing; it is far more apt to call it what it is: symbolic warfare, whose effects, like real warfare, include the torture and targeted execution of those deemed to be the enemy. It forms the first step in a more insidious, pernicious project of producing subjects who are best suited to accommodating and ultimately embracing a very particular and highly imbalanced model of social and economic development.

Biopower Meets Public Relations

As noted, this dissertation examines several "sites" in order to explore this underlying phenomenon — the project of producing subjects who are best suited to accommodating and ultimately embracing a very particular and highly inequitable model of social and economic development. None are read as idiosyncratic, random expressions. They are all emblematic of larger phenomena at work. The first campaign that helps to illustrate the larger pattern of behaviour at work is a billboard campaign that Goldcorp launched in Guatemala. The billboards employ the core technique that has been honed by advertising and public relations industries over decades of careful development — namely, targeting the affective domain of consciousness to fetishize an object as 'brand,' making the vessel ripe for any signification. In her structuralist Marxist analysis of advertising, Williamson (2001) argues that one of the main ways in which advertising works is by transferring meaning from pre-existing "referent systems" onto the product portrayed in the advertisement (Williamson). This realm of meaning is external to the product and has nothing to do with its material reality nor with the actual consequences of its consumption. An advertisement for a cola, for instance, may link the beverage to well-recognized symbols representing youth and vitality, such as a famous athlete engaged in an act of exertion; the advertisement 'works' by transferring that meaning onto the product. The cola thereby comes to resonate with the affective meanings of this image, and appeals to one's desires for strength, energy, prowess, confidence, power, sexual vigour and commercial success — or even merely one's desires to appear in this way to others. She argues that consumption of the product emerges from unconscious attempts at satisfying these underlying desires, yet as such deeply-rooted drives are invariably insatiable through the consumption of any material good, one is forever drawn back into to an endless cycle of consumption and longing. Not surprisingly,

Marx's insights into commodity fetishism, as well as subsequent Marxist scholarship from the Frankfurt School and beyond, have greatly influenced this particular body of critical analysis of contemporary advertising. The meanings that become attached to products have nothing to do with their constituent properties (carbonated syrup-water) nor with their actual material effects (tooth decay, weight gain, depleted energy, health problems, etc). That disjuncture becomes obvious only when subjected to rational scrutiny, which, as many theorists of advertising have noted, is the very opposite of the mindset induced by advertising. Advertisements target the affective domain of consciousness, subjecting one's deep-seated emotions and desires to symbolically potent, seductive messages.

Much work has also been done on the employment of these very techniques in the work of branding, in order to imbue a certain signifier — such as a corporate logo — with a carefully crafted significance to be triggered as one's primary affective response to it (Holt; Klein *No Logo*; Healey; Franzen and Moriarty). Billions of dollars are invested annually in order to construct and reinforce brand identities by linking superficial representations, which can even be nothing more than the shade of colour used in an organization's public presentation, to a particular affective resonance to be evoked. Courier company UPS, for instance, has spent hundreds of millions of dollars on advertising and public relations initiatives that strive to link the particular shade of brown that they use throughout their enterprise — from company logo and shipping supplies to employee uniforms and vehicles — to the meanings that they wish to evoke in people's minds when they see that shade of brown. According to UPS, the colour should evoke a sense of "class, elegance and professionalism," as well as feelings of security and reliability.[59] The dire importance of protecting the integrity of this branded relationship can be

[59] Statement of Claim, United Parcel Service of America, Inc., vs. Samuel Z. Brown, filed in New York Southern District Court on March 19, 2008; Case no. 1:2008cv02902, ¶ 9.

seen in their extensive trademarking of the shade of brown that they use (Pantone 462C), as well as even merely the word "Brown," for any use that is similar to theirs.[60] Their readiness to litigate to protect this trademarked intellectual property and the meaning they have worked to attach to it also indicates the economic stakes involved, and the potency of these techniques.[61] Unusual or excessive as it may sound, there is actually nothing unique about UPS; they employ the very same methodologies that are prevalent throughout advertising and public relations industries. The branding of the Goldcorp logo in the following billboards draws upon these very same techniques. As shall be seen, not only is the company itself branded, but that key nodal point of discourse, "development," is carefully branded as well.

In the first billboard examined (Figure 5), a smiling miner appears in front of what are ostensibly gold bars. He looks happy and healthy, and his shirt looks clean and new. He is also replete with safety gear: a mask dangles below his mouth, hanging from a strap that goes around his head, and he is wearing a hard hat with a large lamp mounted on top. His face is bright, fresh and relaxed. He looks positively ebullient. As a central feature of the billboard, we likely find our eye drawn to him first. It does not hurt matters that his white breathing mask is lined with a black outline, in the shape of an arrow, pointing up toward his face. The red lines on his shirt also help guide the eye up to his face. We cannot escape his joy. Behind him we see a stack of gold bars, whose tawny colour curiously matches the colour of his face — and more particularly, the colour of his lips. Williamson has argued how ads often structure meaning by using colour to

[60] U.S. Patent and Trademark Office Registration No. 2,131,693, registered Jan. 27, 1998, restricts the use of this shade of brown on any vehicles used for delivering personal property; Reg. No. 2,159,865, registered May 26, 1998, prohibits others' use of this shade of brown on any clothing worn while delivering personal property by air, rail, boat or motor vehicle; Reg. No. 2,901,090, registered Nov. 9, 2004, prohibits others' use of this shade of brown, more generally, for any form of "transportation and delivery of personal property by air and motor vehicle."

[61] See, for instance, United Parcel Service of America, Inc., vs. Samuel Z. Brown, op cit. Documents and information available at http://dockets.justia.com/docket/new-york/nysdce/1:2008cv02902/322866 (accessed 21 January 2013).

link disparate signifiers — to transfer meaning from one domain to another within the ad (Williamson 20-32). For example, in the previously noted cola ad, the colours of the image representing the qualities of strength and vigour (an athlete exerting himself, for instance) would be the same as the colours of the cola (or its logo). As viewers make this link upon beholding the ad, the meaning transfer occurs in the perception of the ad; the uniformity of colour allows the qualities represented by the athlete to be transferred, in the minds of those viewing the ad, into the beverage being advertised. In this case, the joy on the smiling miner's face, represented most acutely by his smiling lips, is transferred to the gold bars behind him. The specific nature of that joy is yet to be seen, however, as the message of the ad has not yet been completed. We continue to look up, guided both by the upward-pointing light on his hard hat and the upward-pointing lines of the gold bars behind him, and notice a large word at the top of the ad — indeed the largest in the billboard, written in plain black lettering on a bright yellow background: "Desarollo." Development. Lest we be caught up in any inconvenient ambiguity, the ad quite literally tells us what to equate development with, using the definitive mathematical equals sign: "Desarollo = trabajo = mejor calidad de vida." Make no mistake about it: development = work = better quality of life. He is clearly a worker, which means that the symbolic meaning of this image of a joyous miner and the product of his labour, is "development," which means a better quality of life. We can presume that that is why he is so happy — because his work has provided him with an opportunity to "develop," as in, to better his life. This is a powerful symbol: who would not yearn for the joy of a better quality of life, both for oneself and one's loved ones? We likely then find our eye coming full-circle on the billboard, and read the text beneath that slogan: "Para nosotros en Goldcorp, lo valioso es el desarollo." For us at Goldcorp, what is valuable is development. The company logo then sits, unobstructed, in the bottom right corner of the ad.

The image of the smiling miner in front of golden bars is made to signify development, which again, is work, which is better quality of life. This equation ultimately equals joy — the joy of developing. All of that meaning is then transferred to the corporate logo, which, in sitting in a rectangular box this is missing but the bottom line, resembles a gold bar as well. Williamson's work on colour as an objective correlative once again allows us to see how the message of the slogan at the top of the billboard easily transfers to the text below it, merely by employing the same colour scheme — and the text at the top is clearly signified by the image of the joyous miner smiling beneath.

This first billboard targets subjects at the deepest level of their aspirations: their desires to better themselves and their loved ones. In a country of extreme poverty, work, for most, equals toiling to barely survive. It often means a daily struggle to scrape by. For most Guatemalans, work involves long hours of gruelling labour, under poor and potentially hazardous conditions, for meagre pay. The image of a beaming, joyous, healthy-looking labourer must be understood in this context. This ad offers the promise of labour as an almost exalting, transcendent experience, as though one were raising oneself out of the poverty of one's situation. This must also be understood in the context of Guatemala as a deeply religious country: many Guatemalans harbour a profound and meaningful connection to spirituality and matters of the divine, often with a hybrid of Mayan, Catholic and evangelical belief systems. While it may seem like an overstatement to suggest that this billboard may have a religious resonance, subsequent images examined in the next chapter more clearly reveal how subjects are indeed being targeted to consider mining in spiritually redemptive terms. It would not be a stretch, then, to suggest that some subjects viewing the bright glow on the miner's face — a glow that is emanating from an unseen source, may unconsciously interpret that in religious and/or spiritual

terms. This miner has not only "seen the light," but he is presently seeing the light: he is staring directly into something that is lighting up his face, in a way that would likely leave many observers of the ad unconsciously wishing to share.

The billboard in Figure 6 extends this messaging beyond merely those fortunate enough to be Goldcorp employees. Like the last billboard, with this ad we likely find ourselves first drawn to the image of the miner: his vibrant orange and neon yellow safety vest and bright red safety helmet make him difficult to miss. He is flanked to his right by a woman whom we can presume to be his wife, and he holds a small child, whom we likely assume is his son. Our eye is then pulled farther along to complete the family, following the young boy's arm: he is touching whom we can presume to be his sister, and the image is then completed as we notice the doctor who is touching her chest, evidently listening to her breathing through his stethoscope. All five people in the image are physically touching, uniting them in a seamless flow of meaning. Like in the last image, this miner also looks relaxed and pleased. He is clean and healthy looking, and works for a company that clearly cares about safety: while he doesn't have a mask like the miner in the previous ad, his hard hat, reflective vest and two-way radio clipped to his vest all point to an employer that is ensuring his safety on the job. His family members also look happy and healthy — happy, perhaps, because they have access to a physician, who is working to ensure their health. We make the link between the worker whose employer cares for his safety, with his family whose health and safety he is able to care for as a result of his employment. Like the previous billboard, this ad is also topped with a definitive slogan that employs the equals sign to avoid any confusion, although the message is slightly different: "Desarollo = salud = mejor calidad de la vida." Development is still ultimately a better quality of life, but this time, the step that we pass through between development and the better quality of life is not work, but health.

This ad is all about being safe and healthy. His children can now "develop" properly, because they are fortunate to have access to health care. Just like the last ad, we are then drawn to the same text that sits atop the company logo: "For us at Goldcorp, development is what is valuable." If the first ad makes us wish that we worked for the mining company, this ad makes us realize that we would be just as well to be related to someone who works for the mining company (or quite literally, to be connected with a miner, given that all bodies in this image are physically connected through touch). Just as the miner holds his family in a tight cradle of security that ensures their health, so too does Goldcorp hold its workers (and hence their families) in a cradle of safety and security, likewise securing their health.

At its most basic level, it is unsurprising that Goldcorp would choose to seduce Guatemalans with promises of greater health, given the devastating health implications that open-pit metal mining can entail. Goldcorp's reputation in Guatemala had been tarnished before the Marlin mine had even been built, in large part over the concerns expressed by residents of the Siria Valley in neighbouring Honduras, who described the suffering they were experiencing, living beside Goldcorp's San Martín mine. The most pronounced element of that suffering was invariably related to the rash of health problems emergent in the region since that mine had opened. There is a deeper level of meaning to this ad, however, than seeking to counter concerns Guatemalans may have over health harms caused by Goldcorp's activities. This billboard should also be understood in the context of the meaning of family in Guatemala, and the forces that have historically pulled families apart and continue to do so today. The violence experienced by most Guatemalans who lived during the internal conflict (which officially ended in 1996 — it will be dealt with further in Chapter 4) had a devastating impact upon families; most Guatemalans directly experienced, or know someone who directly experienced, the loss of a family member

due to the violence. Abject poverty has also forced the separation of families: children of poor rural families are sent to the city to find work, at times as domestic help; parents also become separated from each other and/or their children as they are forced to travel to find employment, often from their villages to large coastal plantations for seasonal agricultural work, or to the United States to find work as undocumented labourers. The image of an intact, healthy looking family should be understood in this context. In Guatemala, such an image would not be taken for granted as representative of the norm, as it might to an observer from the North. For many Guatemalans, a healthy, happy, intact family is a rare privilege: it is something that is valued above all else, but is so tragically rare — especially amongst the poorest. For an ad to offer the promise of a well-fed, well-cared-for, united family is to offer something that is valued so dearly, yet for many, seldom experienced. If we accept Escobar's contention that the hegemonic discourses and interventions of "development" imposed throughout the Global South over the past 65 years have, in large part, *effected* the structural conditions of poverty that necessitate the fragmenting of the family in contemporary Guatemala, then it becomes additionally disconcerting that similar narratives now promise to repair the damage done by the very discourses that are responsible, in part, for the damage that is now in need of repair. The mentality responsible for the disease is now promising more of the same, as a cure. In Honduras' Siria Valley, for instance, many locals lament the socio-economic devastation wrought by the drying of the majority of streams and rivers that had been used for agricultural purposes — a drought that they attribute to the incredibly water-intensive method of mining employed at San Martín. The previously lush valley that had supplied a bulk of the agricultural staples of corn and beans to much of the entire department (state) — including the capital city, Tegucigalpa, was now needing to import food. Those who had previously worked in agriculture

found themselves seeking alternate employment; for many, this necessitated making the long, treacherous trek up through Guatemala and Mexico, to seek work in the United States. The story of two such migrants, who were living and working in San Francisco, California, is told in *All That Glitters Isn't Gold.* The irony of this billboard, then, would likely not be lost on any resident of the Siria Valley, or anyone familiar with what transpired in the valley: a company that stands accused of having pulled so many families apart and harming the health of so many in the region, is branding itself with the image of a cohesive, intact, healthy family.

The billboard in Figure 7 takes this message to a broader level still. Here we have neither a miner, nor a miner's child nor family member. We have but a little girl, whose connection to mining is nowhere to be explained in the image. Just like in the previous two images, she too looks relaxed, happy and healthy. Her glee is signified not only through a wide, bright smile, but through her up-stretched arms, which in extending to the sky, makes her appear as though she were jumping for joy and shouting 'hooray!' We cannot miss the fact that she has lost a tooth, which may be why she is celebrating. She is of the age where her baby teeth are presumably falling out, to be replaced with her adult teeth. She is quite literally developing. She looks well-fed, well-clothed, and even dons golden earrings in her ears, subtly linking her image with the gold mining company we see listed to the right. As we follow her arms to top of the billboard, we read the dominant slogan: "Compartimos con la gente su futuro y su presente." "We share the people's future and present." There are several significant elements to this slogan. First, it is now clear why the girl in the picture has no obvious connection to mining: this image does not signify those who work for the mining company, nor those connected to such workers, but "the people" in general. This billboard is not about individual Guatemalans, or even Guatemalans of a particular sector. It is about the collective body of the Guatemalan population — it is about

"the people," of whom all Guatemalans are a part. Second, "the people" are not alone, as "we" are with them, and share with them their future and present. Both future and present are signified in the image of the girl: we see not only what she is — an adorable, happy, relaxed, well-fed little girl, but what she is becoming: she is growing up. She is developing, and what could be more exciting than a happy young child who is developing in a healthy manner? The "we" of the message is unmistakable: to the right of the little girl we see a company logo with their name, Montana Exploradora de Guatemala, S.A., which is Goldcorp's wholly-owned subsidiary that operates the Marlin mine. Highlighted in the bottom right-hand corner of the billboard, the message of the ad is 'concluded' with a familiar refrain: "Lo valioso es el desarrollo." "What is valuable is development." It is not the gold in the ground that is valuable, but the development of "the people" that truly matters. Like all people, Guatemalans value the health and development of their children as of paramount importance; the development that we are to understand is associated with Goldcorp and its subsidiary is the precious development of children in general. Furthermore, the girl represents not only children, but she comes to signify the entire population of "the people," both young and old. As the children form the next generation of Guatemalans, as presently signified, this image of a child who is clearly growing up in a happy and healthy way represents the happiness and health of the population in general — both in the present and future. In this regard, the image of one smiling girl evokes an imagined sense of the Guatemalan populace, inviting subjects to identify with this greater, collective body. As the latter chapters of this dissertation argue, to assist in subjects' identification with this imagined, greater collective, a dominant strategy is the demonization of those who resist Goldcorp's practices as a threat to the project of collective development. The "anti-mining activist" is offered as a common enemy against whom Guatemalans are encouraged

to unite, providing a crucial catalyst in fomenting identification with the imaginary collective of subjects who embrace Goldcorp's promise to facilitate the nation's development.

Specific reference to what constitutes that collective development is offered in numerous billboards that equate the mine with a pristine, flourishing environment. The billboard in Figure 8 shows the image of smiling greenhouse workers who are busy caring for plants. The slogan at the top of the billboard reads, "Desarollo = cuidado del ambiente = mejor calidad de vida." "Development = care for the environment = better quality of life." Like the billboards in Figures 5 and 6, this billboard offers the definitive equation of what constitutes development, although like the billboard in Figure 7, it is unclear how, or if, the subjects of this image are related to Goldcorp. The photograph is telling, however: contrary to the dramatic, industrial-scale environment damages that locals of surrounding communities have reported in the region since Goldcorp's open-pit metal mines have been in operation, this billboard presents an image of careful, delicate husbanding of plants in their infancy. As young plants that are properly attended to will develop and grow, the implication is that the subjects' calm, joyful activities will lead to a future environmental flourishing, which we are reminded equals a "better quality of life." That more general sense of future flourishing — of the better quality of life that is to come for Guatemalans in general — is then wedded to the company itself, as the ad is signed with the familiar refrain, "For us at Goldcorp, what is valuable is development."

The billboard in Figure 9 offers a similar subject: here, a smiling campesino — ostensibly a greenhouse workers as well — holds a seedling, while standing in front of neat, ordered rows of other seedlings. The dominant colour is green. The slogan at the top of the billboard is also on a green background, and is linked to the image beneath it with a pointed triangle directed to the subject's mouth, resembling the speech bubble of a comic strip. Lest we

miss that, the quotation marks around the slogan tell us further that the slogan is not Goldcorp's per se, but the subject's. He is saying, "Because I believe in caring for the environment, I believe in the mine." The slogan, of course, is linked to Goldcorp — a link that is assisted with the company logos also resting in a cartoon-like speech bubble. In this case, the triangle beneath the speech area points not to a speaking subject, but to the familiar refrain: "What is valuable is development."[62] The subject is almost extending his arm forward, offering the seedling to the viewer of the ad. In the top right-hand corner of the ad, just above the company logos, we are advised that there have been "more than 300,000 trees planted." This message is relayed elsewhere in Goldcorp PR materials, such as a 2011 report on the "CSR" projects the company implements at a variety of its mines, in which Goldcorp reports that in Guatemala, it reforests "between 10 and 20 hectares annually, far beyond national requirements" (Goldcorp 17).[63] Both this billboard and the billboard in the previous ad seek to counter to the widespread concerns that Goldcorp imposes devastating and irreversible environmental damages in the country, by suggesting, on the contrary, that the company's existence entails the offering of environmental flourishing — the very flourishing suggested by the potential inherent in the rows of seedlings in the background of the image. The inclusion of the familiar refrain, "what is valuable is development," suggests that the flourishing suggested by the image is not merely environmental, but the future flourishing of the nation as well. The billboard in Figure 10 is more explicit in

[62] While not to dwell upon this, there is a very subtle, deeper level of meaning involved in placing the company logo within a speech bubble. Of course at the most basic level of the image, the "pointer" at the bottom of that speech bubble draws attention to the oft-repeated refrain beneath it, and links the Goldcorp logos with the dominant slogan atop the ad, as noted. At a deeper level, however, positioning the company logos inside a speech bubble subtly suggests that Goldcorp is not the "speaker" of the message, but is itself spoken — and is spoken by the development needs of the population. This meaning, while again, is subtle, helps to counter the widespread concerns that underpin the resistance to the company: that Goldcorp, a dangerous and powerful entity, is imposing dramatic and irreversible environmental damages upon the country. The very subtle implication of positioning the company logo within a speech bubble, then, is that Goldcorp is not quite in a position of "imposing," but rather is itself being constituted, or "spoken" by the country's development aspirations.

[63] Available at http://www.goldcorp.com/files/aboveground_magazine/aboveground_spring11_final.pdf (accessed 10 February 2013).

linking the mining company directly with reforestation and a flourishing environment, as this billboard depicts workers in miner-like clothing standing in a lush green landscape, beside a slogan that boasts, again, that over 300,000 trees have been planted.

The language of "belief" found in Figure 9 is important, and is used in other billboards as well, such as the one in Figure 11. Like the billboard in Figure 9, this ad presents a speaking subject that is not the mining company; instead, a smiling woman, whose surroundings suggest that she is likely a teacher, states that, "Because I believe in education, I believe in the mine." The structure of the ad is the same as in Figure 9, but instead of the number of trees planted, we are now advised of the number of children educated: "over 5,800 children with access to education." The billboard in Figure 12 offers the same statistic, beside the picture of smiling, healthy-looking children who are presumably at school. The speech bubbles and language of "belief" invoked in Figures 9 and 11 is significant: here, like the meanings evoked in the previous billboards, mining is wedded to deeply-held personal convictions, normative assumptions and ethical investments. The subjects presented in Figures 9 and 11 are not figured as rationally calculating cost-benefit analyses to determine the desirability of Goldcorp's presence in the country; rather, they are stating their underlying, core beliefs. Viewers of the ads are thus invited to identify with the beliefs expressed by subjects presented in these billboards — beliefs which most Guatemalans almost invariably share. The extreme nature of the poverty experienced by most Guatemalans makes education an even more coveted, if rare, luxury, than is often experienced in countries of the Global North. While the billboards in Figures 9 and 11 do not employ the mathematical equals sign found in previous billboards, a similarly incontrovertible logic is deployed: *because I believe* in the environment and education, ipso facto, I also believe in mining. Again, the meaning conveyed here is that one's support for

mining does not emerge from a rational calculation of the actual effects of the mine; rather, these images "summon" Guatemalans to wed their pre-existing, underlying beliefs in the indisputable value of education and a clean environment, with Goldcorp's mining activities. They are persuaded to consider themselves as subjects whose beliefs in the values of education and environmental care are entirely commensurate with supporting Goldcorp's activities. In fact, being an "ethical subject" almost *demands* support for Goldcorp's activities, for these ads clearly signify that because one values "development" — understood as health, education, employment and a clean environment — one also, as a consequence, supports Goldcorp. The following chapter will elaborate further upon this strategy of targeting subjects' core values or ethical investments, such as in the unquestionable virtue of education and the environment, in order to brand the meaning of Goldcorp and mining activities in general.

As cautioned in the closing paragraph of the previous chapter (and stressed in Butler's previously cited understanding of the process of subjectivation), the proposition here is not that subjects are magically, uniformly transformed by these billboards into perfect receptacles of hegemony. These billboards, of course, are not hypodermic needles that "inject" all subjects who behold them. Foucault's notions of biopower and governmentality help to shed light upon the workings of these images. Unlike his more widely-known, earlier work that theorizes power as external and disciplinary — as an omni-present grid of forces of domination exercising social control by fundamentally transforming subjects' very being,[64] it his later work on biopower and

[64] In *Power/Knowledge* (1980), he writes that, "in thinking of the mechanisms of power, I am thinking…of its capillary forms of existence, the point where power reaches into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives" (qtd in Keating 189). In *History of Sexuality, Vol. 1* (1978), he maintains that "power is everywhere; not because it embraces everything, but because it comes from everywhere…power is not an institution, and not a structure; neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategical situation in a particular situation" (*History* 93). Power here is "exercised rather than possessed" (qtd in Wendt 251), which grounds his ethic of challenging the apparent neutrality of institutions in order to "criticize them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so

governmentality that proves more useful for the present task of unpacking the meaning of these billboards, the strategies that underlie them and the social functions that they play. This later work moves away from a sense of transformational, disciplinary power-as-domination, that is so all-encompassing that it can be difficult to imagine a space of resistance within. His later work focuses more on "the interaction between oneself and others, and in the technologies of individual domination, in the mode of action that an individual exercises upon himself by means of the technologies of the self" (Foucault "Technologies of Self" 225). These are technologies which, as he elaborates, "permit individuals to effect by their own means, or with the help of others, a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality" (225). All of the billboards examined thus far 'work' by coercing subjects to reconfigure how they relate to themselves and others, in order to attain a greater state of all of these mentioned qualities.

As noted in the previous chapter, biopower entails the appearance of definitive, authoritative knowledge and population management techniques that operate in the service of, "the production and optimization of life" (Escobar *Encountering Development* 228). Ambassador Lambert's appearance on Guatemalan television, described in the previous chapter, can be understood thus as an expression of biopower. Unlike the disciplinary mechanisms that Foucault examined in some of his earlier works (on prisons, asylums, etc), biopolitics does not seek to fundamentally change individual subjects and train individual bodies; rather, using statistical analyses and the establishment of norms and averages that operate as benchmarks that

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that one can fight them" (qtd. in Rabinow 6). Under Foucault's earlier disciplinary treatment of power, such institutions – prisons, asylums, clinics, etc, operate "not in order to punish what (one) has done, but to transform what he is" (*Power/Knowledge* 47, qtd in Keating 188). Power grabs one "at the depths of his soul in order to transform him" (Foucault "Anxiety" 164).

guide policy, biopolitics intervenes at the level of the population in order to "optimize" the state of life. It is, most baldly stated, "the power to 'make' live and 'let' die" (Foucault *Society* 241).[65] In contrast with classical, sovereign power as disciplinary power that addresses, shapes and dominates individual bodies, Foucault argues that biopower addresses (and thus also constitutes) the "collective body:"

> the new nondisciplinary power is applied not to man-as-body but to the living man, to man-as-living-being; ultimately, if you like, to man-as-species. To be more specific, I would say that discipline tries to rule a multiplicity of men to the extent that their multiplicity can and must be dissolved into individual bodies that can be kept under surveillance, trained, used, and, if need be, punished. And that the new technology that is being established is addressed to a multiplicity of men, not to the extent that they are nothing more than their individual bodies, but to the extent that they form, on the contrary, a global mass that is affected by overall processes characteristic of birth, death, production, illness, and so on. So after a first seizure of power over the body in an individualizing mode, we have a second seizure of power that is not individualizing but, if you like, massifying, that is directed not at the man-as-body but at man-as-species. After the anatomo-politics of the human body established in the course of the eighteenth century, we have, at the end of that century, the emergence of something that is no longer an anatomo-politics of the human body, but what I would call a "biopolitics" of the human race (242-3).

He elaborates that biopower is, "in a word, a matter of taking control of life and the biological processes of man-as-species and of ensuring that they are not disciplined, but regularized" (246). It is "continuous, scientific, and it is the power to make live…the power of regularization…consists in making live and letting die" (247). Biopolitics explicitly targets (and,

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[65] It emerges from a critical shift that he observes in the 19th century, which he argues is one of the most significant political transformations of modern Western civilization, whose effects are still reverberating today: the shift from sovereign-based power, in which a single sovereign entity determined who shall live and who shall die, to a system of state-based power. This shift occurred as the state gained control over the biological processes of its citizens. Under classical theories of sovereignty, there are no inherent, inalienable rights to life; it is the sovereign who bestows the right to live upon its subjects. The sovereign alone holds "the right to take life or let live" (Foucault *Society* 241). Foucault argues that the sovereign's power crystallizes when it exercises its power to take one's life, or as he states, "sovereign power's effect on life is exercised only when the sovereign can kill. The very essence of the right of life and death is actually the right to kill: it is at the moment when the sovereign can kill that he exercises his right over life" (240). The critical shift that he isolates occurs when this old right of the sovereign — to take life or let live — becomes replaced, or rather complemented, by a new power, which emerged as the state gradually gained control over the biological processes of its citizens. It is one, which, as he argues, "does not erase the old right but which does penetrate it, permeate it. This is the right, or rather precisely the opposite right. It is the power to 'make' live and 'let' die" (241).

as noted, thus also helps to constitute the imaginary of) the collective: it deals with "the population, with the population as a political problem, as a problem that is at once scientific and political, as a biological problem and as power's problem" (245).

The billboards examined thus far work toward a "massification," or a "massifying" of the Guatemalan populace. This can be seen even more clearly in the next billboard — Figure 13. This billboard reinforces the message of previous billboards that signify people "in general," yet takes it to another level yet. Here, unlike in the previous billboards, for the first time, there are no people present whatsoever. Rather, the people are alluded to, and not as individuals, but as the population in general. We see not workers nor families nor children, but a birds-eye-view of the densely populated city. The significance is unmistakable: this is the population. This is the people. This is the collective — the body politic. It is the country, and like the previous billboard, it is not alone. Like the previous billboard, the first word in the slogan that sits atop the billboard is a verb in first-person plural; rather than "we share," now we learn that "we invest," and furthermore, not in infrastructure or economic ventures, but in "dreams." And in whose dreams? We invest in the dreams of a country in development. The imagined collective that we are invited to identify with is not a static entity, but one that is in flux — that is evolving, and doing so in a positive, upward manner: the country is literally "in development." And lest we miss the personification, it is a country that dreams! But how can a country dream? Clearly "the country" that is referred to is an imaginary country — it is an imagined community of the collective population that conceived in this manner, can indeed dream and develop. The lack of any particular individual featured in the image, and the aerial image of the cityscape in its stead, suggests that *anyone* can identify with this trope of "the country in development," and indeed any Guatemalan who beholds this ad is literally encouraged to align themselves and their own

dreams of self-improvement and betterment for their families, with the promise held out by Montana Exploradora, and its parent company, Goldcorp. Again, the ad is closed with the recurring refrain, highlighted in the bottom corner: what is valuable is development.

Theories of governmentality also help to shed light upon the workings of the billboards. Governmentality theories suggest that new regimes of power operate by 'empowering' or investing subjects with new capacities, and encouraging their identification with subject positions that embrace and cultivate new forms of belonging — new forms of relating to one another and one's world. In his essay, "Governmentality," Foucault maintains that the central preoccupation with government in the modern Western state is the management of population: "the state of government is no longer essentially defined by its territoriality, by the surface it occupies, but by a mass: the mass of the population, with its volume, its density, with the territory that it covers, to be sure, but only in a sense as one of its components" (Foucault "Governmentality" 221). He notes that the concerns of government are indeed subjects, but subjects' imbrications with the various elements that constitute their life-worlds: "wealth, resources, means of subsistence, the territory with its specific qualities, climate, irrigation, fertility, and so on; men in their relation to those other things that are customs, habits, ways of acting and thinking, and so on; and finally men in their relation to those still other things that might be accidents and misfortunes such as famine, epidemics, death, and so on" (209). One of the most succinct accounts of Foucault's concept of governmentality comes from Tania Li (2007), who writes that,

> defined succinctly as the "conduct of conduct," government is the attempt to shape human conduct by calculated means. Distinct from discipline, which seeks to reform designated groups through detailed supervision in confined quarters (prisons, asylums, schools), the concern of government is the wellbeing of populations at large. Its purpose is to secure the "welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, et cetera" (Foucault 1991a:100). To achieve this purpose

> requires distinctive means. At the level of population, it is not possible to coerce every individual and regulate their actions in minute detail. Rather, government operates by educating desires and configuring habits, aspirations and beliefs. It sets conditions, "arranging things so that people, following only their own self-interest, will do as they ought" (Scott 1995:202). Persuasion might be applied, as authorities attempt to gain consent. But this is not the only course. When power operates at a distance, people are not necessarily aware of how their conduct is being conducted or why, so the question of consent does not arise. (Li 275)

While the state often coordinates technologies of governmentality, the domain of governmentality is by no means isolated to subjects' relations with the state; this, argues Bratich (2003), is the key link between governmentality and cultural studies. He notes that governmentality, as "the arts and rationalities of governing, where the conduct of conduct is the key activity," attempts to "reformulate the governor-governed relationship, one that does not make the relation dependent upon administrative machines, juridical institutions, or other apparatuses that usually get grouped under the rubric of the State. Rather…the conduct of conduct takes place at innumerable sites, through an array of techniques and programs that are usually defined as cultural" (Bratich, Packer and McCarthy 4). In this regard, the billboard campaign can be seen as a technique of governmentality; one could also say that as Goldcorp positions itself as conducting the conduct of the entire population, the billboard campaign emerges from and represents a particular regime of governmentality.

Rather than advancing a mining project by resorting exclusively to strong-arm tactics that impose power from outside, these billboards represent a contrary strategy of seducing subjects to align their desires for life with embracing Goldcorp. The billboards, as a form of biopower, all promise to "make live," and unlike the earlier discourses on development explored in the previous chapter, the discourse on development evinced in these nine billboards does not presuppose passive subjects whose intrinsic deficiencies burden them with a state of inevitable underdevelopment; rather, the subject of this discourse is blessed with the opportunity of having

a state of increased development and prosperity immediately within reach. All that is required is a belief in the possibility, and one's exertion towards that. As a regime of governmentality, these billboards target subjects' desires to improve their lives through their own acts of striving. Fundamental reform of the underlying social structure is not required; rather, one merely needs to extend one's grasp, not unlike the girl in Figure 7, to attain the promised reward: development. Development is the dream of the collective's betterment that one is invited to identify with. Guatemalans have not been deprived access to a greater share of life's blessings because of structural conditions that make access to health care and decent employment (amongst many other social benefits) all but impossible; rather, the difficulty of one's lot can be attributed to one not reaching enough, or perhaps not reaching in the right direction. These billboards educate Guatemalans about the proper aspirations and dreams that can usher them to a state of "development," without contemplating that perhaps the structural inequalities that actually underlie their difficult life conditions are the very same structural conditions by which the country was opened up to foreign mining companies, without but even a minimal burden of responsibility to the local population being appropriately mandated and ensured.

The billboards analyzed here target people at the deepest level of the psyche: that of longing and aspiration to improve, and live better, fuller, healthier lives — lives of hope and striving towards a fuller and happier existence. The message of the billboards is abundantly clear: Goldcorp's mining can make you live. It can make you live a better, fuller, happier, more fulfilling life. The billboards encourage Guatemalans to conceive of themselves as belonging to a large collective, and to imagine the possibility of betterment in the context of this larger collective. This is the essence of the thesis of the dialectic that this dissertation argues is fuelling the advance of the Canadian mining regime in the region. Guatemalans imagining themselves to

be a part of a larger collective body that can be brought to a state of greatness by Goldcorp is the necessary first step towards overcoming resistance and attaining "social license" to operate.

Foucault writes that biopower is

> centred not upon the body but on life: a technology which brings together the mass effects characteristic of a population, which tries to control the series of random events that can occur in a living mass…which aims to establish a sort of homeostasis, not by training individuals, but by achieving an overall equilibrium that protects the security of the whole from internal dangers. (Foucault *Society* 249)

As will be seen in Chapters 5 and 6, activists and social movements resisting Goldcorp's activities are concomitantly being signified as such an internal danger — as a threat to the collective's attainment of greatness. Guatemalans are thereby given a crucial incentive to identify with the discourse offered by these billboards. As the promise of development held out by the billboards is threatened by the internal danger of the essentialized, homogenized "anti-mining activist," uniting against those activists forms a common ground upon which Guatemalans can come together and embrace the discourse offered by these billboards.

Finally, in turning to theories of biopower and governmentality, it is also neither necessary nor fruitful to abandon Foucault's earlier understandings of disciplinary power. Foucault himself stresses that disciplinary powers of the body and regulatory powers of life are not mutually exclusive, but coexist (Foucault *Society* 252). The norm is what circulates between the two realms, or as he writes, "the norm is something that can be applied to both a body one wishes to discipline and a population one wishes to regularize" (253). At the level of the population that it seeks to regularize, this billboard campaign seeks to establish the norm of what constitutes development, and the norm of what constitutes appropriate aspirations. As noted previously, it is one's striving towards that norm that constitutes the essence of subjectivation. As will be seen in the conclusion, a sovereign, disciplinary power is still in operation, in the power to take the lives of those who reject the discourse of these billboards — that is to say,

those who transgress these norms. These are the participants of social movements who reject the discourse propagated by the billboards, maintaining that they are, in truth, little more than false promises to make live. The reality, they argue, is that the mine will actually make one die — in slow, gradual ways, via health problems, environmental damage and/or diminished access to land or livelihood; or, the mine will make one die in more immediate ways, such as the assassination of the mine's staunchest opponents. A vast majority of those who are actually made to live, then, live far away in the Global North. They are the primary beneficiaries of the mining company's activities. The present usefulness of biopower is that it clarifies the formula by which Guatemalan subjects are being encouraged to support Goldcorp's activities: to live, others must die. In the present analysis, there are two levels at which this operates: for the imagined collective of Guatemalans to develop and thrive, the internal threat to this development — the "anti-mining activists," must die. More broadly, for Canadians to live and develop, Guatemalans who suffer from the effects of this mining regime, are allowed to die.

"I am a miner, and I also believe in God"

- slogan on banner at pro-mining "protest march," Guatemala City

CHAPTER 3

Marching for Mining

The strategies adopted by Canadian mining companies and their state sponsors are not limited to billboards or television talk shows — they are not limited to broadcasting carefully crafted narratives to be perceived by passive spectators. Another emerging strategy includes the staging and choreographing of social practices that invite the active, physical participation of subjects. Like the billboards of the previous chapter, they seek to shore up a hegemonic understanding of Canadian open-pit metal mining as a purveyor of collective development. One such example is industry-organized pro-mining "protest" marches. Such marches are comprised of miners, whose employers provide them with their daily wage, transportation to and from the capital city where the march takes place, and provide them with meals. The miners' friends, family members, and other individuals can also be marshalled to join, and may be paid a small fee by the march's organizers. Considering that poverty keeps many campesinos from traveling far beyond their rural areas — unless it's to work in coastal plantations or other areas with opportunities for work — such an offer would be attractive indeed. The marchers are instructed to march down the capital's streets, as guided by marshals of the demonstration, and possibly hold signs and banners with phrases that demand an increase in mining activities in the country.

One such march took place on the morning of August 10, 2006. It consisted of approximately a thousand people holding professionally manufactured signs declaring their support for the mining industry. They had been marshalled into groups, and some groups had their own uniform appearance, with similar T-shirts and other attire. Some marchers were given

whistles to blow, and the scene was further animated by a large steam-powered whistle-blowing apparatus being pulled on a trailer — not unlike one that might signal the end of the workday at a factory. The march proceeded through the centre of the city to the Congressional building, where a signed petition was presented to officials, requesting further mining operations in the country and demanding a rejection of a recently-proposed moratorium on the granting of any future open-pit metal mining concessions.[66]

Even if one who encountered this march were ignorant of the fact that it had been orchestrated by the country's powerful mining lobby, it would not take long to realize that something was amiss with this "demonstration." Displays of collective manifestations that emerge from the spirit of the people often have an unmistakable forceful energy. While there is certainly a wide spectrum of reactions that demonstrations may engender — from feeling inspired and empowered to frightened or intimidated and all the variants in between, there is nonetheless often an unmistakable potency surrounding expressions of grassroots, collective energy: public displays of a collective will voicing a common expression tend to have a distinctive resonance in the pride, self-respect, sense of empowerment and resolute determination that often adorns the faces, bodies and voices of the marchers. We are reminded of a basic premise that has played out countless times through history: while isolated individuals may be relatively fragile or impotent, people, when united, are powerful. As Davide Panagia (2009) asserts, "Democracy and noise go hand in hand. There has never been a quiet democratic movement, like there has never been a peaceful democratic uprising" (Panagia 52, qtd. in Barney 2012).

[66] A short clip of the march is available at: http://www.youtube.com/watch?v=Dye7Ke4JLYg (accessed 30 January 2013).

As a generality, this is debatable; the contention could be refined, however, to stating that protest marches and noise often go hand in hand — that is, unless silence is specifically demarcated as a key performative component of the protest (such as the silent marches in Quebec in the spring of 2012, where marchers who had taped their mouths shut used this collective performative act as a gesture of protest over the silencing of dissent wrought by Bill 78 — legislation that criminalized most forms of mass protest), marches that emerge from the spirit of a mass movement almost always have an unmistakably noisy rhythm — a resonance of pride and potency. This pro-mining march was anything but noisy. Most people had staid, placid, disinterested expressions. They ambled lethargically, holding their banners with an aura of utter indifference. The protest march — an age-old symbol of collective will and empowerment, was mimicked and staged with people choreographed like puppets, holding professionally produced signs. Some of the banners were clearly professionally printed; others were hand-painted, but the uniformity of their appearance suggested they were designed to emulate the appearance of a "grassroots" hand-painted banner. The whole display was somewhat absurd and surreal: hundreds upon hundreds of people, devoid of any passion or energy, casually sauntered down the roadway holding factory-made signs, with some people occasionally blowing plastic whistles. Such apparent exploitation was simultaneously enraging and embarrassing. One could even call it pornographic.

The day after the march, *La Hora*, a Guatemalan newspaper with national distribution, featured an anonymously written article covering the march, attesting that over 10,000 people had poured into the streets — a figure that I estimate to be exaggerated by at least a factor of ten. Nowhere did the article focus on issues of governance and the organization of the march; nowhere did it state that some of those marching were on a certain payroll; nowhere did it state

that the march was a meticulously choreographed performance, and that the performers and their props were but one part of a larger and carefully conceived neoliberal strategy to buttress multinational, and largely, Canadian, mining corporations' claims to legitimacy against growing movements of grassroots resistance.

According to the Rural Workers Movement (MTC - Movimiento de Trabajadores Campesinos), a Catholic social justice organization based in the diocese of San Marcos — the region where Goldcorp's Marlin mine operates — the march was organized by the Guild of Mines, Quarries and Processing (el Gremial de Minas, Canteras y Procesadoras). The participants largely came from the two regions in the country where Canadian mining companies have open-pit metal mines: in the departments of Alta Verapaz and Izabal, where Compañia Guatemalteca de Niquel, the subsidiary of Canada's Skye Resources, wished to re-open the Fenix open-pit nickel mine, beside Lake Izabal (discussed further in Chapter 6); and the department of San Marcos, where Goldcorp operates its controversial open-pit gold/silver Marlin mine. According to MTC, both Canadian mining companies coerced their employees to participate, with miners reporting that they had been threatened with termination had they refused to participate. The mining companies also provided the workers with transportation to the capital city — either by plane, bus or truck. MTC reports that CGN paid its miners 500 Quetzals each. Goldcorp admitted that they provided transport for their workers, but denies that they gave them any additional pay, beyond their daily wage.[67]

This chapter aims to offer a framework in which this and other similar manifestations can be read in a meaningful way. The purpose is to better understand how the neoliberal regimes of governmentality responsible for this march seek to configure subject positions in ways that

[67] As relayed by James Schenk, the company's Sustainable Development. Personal interview, August 11, 2006. Guatemala City.

would embrace Canadian open-pit metal mining in the country. A discourse analysis of the march reveals a larger strategy whereby the logic of capital and "development" (signified according to the discursive terms outlined in the previous chapters) is deployed in attempts at constructing a normative barrier against the increasingly swelling tides of resistance and articulations of rights claims that stand in opposition to the activities of Canadian mining companies operating in the region.

Laclau and Mouffe's notion of "chains of equivalence" (2001) is also helpful in guiding a discourse analysis of the messages contained in the banners that were held in the march. They argue that no signifiers exist in a vacuum, as though divorced from other signifiers; combinations of signifiers form "chains of equivalence," by which they draw their meanings from all others in the chain (Laclau and Mouffe). For instance, if one were to consider the two chains of signifiers: accountability, efficiency, security and free enterprise; and a second chain: human rights, social justice, solidarity and participation, then any term added to those chains, such as "democracy," would invariably draw its meaning from the other links in the chain. Laclau and Mouffe argue that democracy would come to mean something quite different in each of those chains of equivalence. This follows Raymond Williams' contention that any combination of words invariably makes one set of connections, while suppressing others. As was seen with the billboards in the previous chapter, Goldcorp is very careful as to which chains of equivalence it chooses to insert "development" into. Beyond the text on the billboards, the carefully-constructed images also act like links in the chain, further tethering the signifier "development" to a particular constellation of meaning. While none of the banners held in the pro-mining march contained images, analysing the choice of words as chains of equivalence can help to unpack the

particular significance given to nodal points of discourse like “development” and “mining” that are incorporated into those chains.

Some of the banners carried relatively generic messages, such as “Viva la Mineria” (long live mining - Figure 14). As was seen with the billboards of the previous chapter and as shall be seen in subsequent banners, equating mining with life — discursively constructing mining as a guarantor of life, is a core element of the larger strategy of seducing subjects’ consent to the model of mining that Canadians have brought to the country. Numerous banners spoke in the language of “we,” reinforcing the sense of the imagined collective of the broader population that the marchers were ostensibly to represent, such as “Queremos mineria en Guatemala” (we want mining in Guatemala - Figure 15). Some banners employed terms stronger than desire, stressing the dire necessity of mining to collective existence, such as “La mineria es indispensable en nuestras vidas” (mining is indispensable in our lives - Figure 16) and “Guastatuye sobrevive gracias a la mineria” (Guastatuye survives thanks to mining - Figure 17). Most critically, the banners of the march create a simple equation between mining, “development,” and responsibility. One banner tersely proclaimed “Con la mineria hay desarollo” (With mining there is development - Figure 18), while another read “sí al desarollo. Minero responsable” (Yes to development. Responsible mining [or responsible miner] - Figure 19).

A core element of numerous banners was their reference to the larger social collective and the common good. As argued in the previous chapter, invoking the imagined collective that can benefit from mining is a critical precursor to the mining companies’ overcoming of resistance and achieving “social license” in which to operate. Some banners explicitly combined themes of the collective, social imaginary with tropes of development. Just like the Goldcorp billboards of the previous chapter, one banner avoided ambiguity by employing the mathematical

equals sign, plainly stating: “La mineria = desarollo social. Los guatemaltecos apoyamos la Minería!” (mining = social development. Guatemalans support mining! - Figure 20). Another proclaimed, “La minería benefica a todos los guatemaltecos. La Minería genera ingresos para guatemala” (Mining benefits all Guatemalans. Mining generates income for Guatemala - Figure 21). Other banners invoked the name of specific towns and municipalities, and tied it to support for mining, such as “En Morazan vivimos de la Minería” (In Morazan we live from mining - Figure 22), “La comunidad Santa Elena presente a favor de la minería” (The community of Santa Elena is present in favour of mining - Figure 23), “Comunidad El Chepenal apoya la minería” (The community of El Chepenal supports mining - Figure 24) and “Huehuetenango apoyando la minería” (Huehuetenango supporting mining - Figure 25). Here the discursive construction of the “national interest” — that age-old ideological floating signifier whereby a particular class interest masquerades as the general broad-based public interest (and alternative social orders are masked or delegitimized) — is constructed piecemeal by various area-based-interests, as declarations suggesting homogeneous support in one area serve to occlude the messy, conflicted reality on the ground in the communities in question. Some banners extended this strategy even further, as they went as far as to directly equate a particular locale with mining, such as “Baja Verapaz *is* mining” and “Huehuetenango *is* mining” (Figures 26 and 27, italics added). As these banners serve to equate the entire regions of Baja Verapaz and Huehuetenango with mining, residents of these regions are invited to consider, first, that they belong to a totality — an imagined, homogeneous entity — and second, that that totality is interchangeable with resource extraction.

Many other banners sought to evoke elements of the “grassroots” — of community, family, children, and struggles for collective betterment. One banner read that a certain

community is “presente en la lucha. Sí a la minería” (the community is present in the struggle. Yes to mining - Figure 28). The use of the language of “struggle” works in line with the intended tone of the entire march, which public relations scholars refer to as “astroturfing” — the emulation of grassroots initiatives, designed to foster the appearance of broad-based public support for a given cause (Beder; Stauber and Rampton; Ewen). References to children included banners with slogans such as, “Por nuestro futuro, decimos SÍ a la inversion. Queremos que nuestros hijos vivan mejor: ‘Sí a la minería’” (For our future, we say YES to investment. We want our children to live better: “Yes to mining.” - Figure 29) and simply, “Queremos que nuestros hijos vivan mejor. Sí a la minería” (We want our children to live better. “Yes to mining.” - Figure 30). This repeated refrain of wishing *our* children to live better, again, serves to construct the imagined community of the collective whole that will benefit from mining, but this time it does so by targeting people at their deepest levels of hope and aspiration: their desires to better their living conditions for themselves and their children. Just as was seen in the previous chapter, who could disagree with such a sentiment? Who would not want the best for their children? Other banners that invoke the language of the grassroots collective include one which plainly states, “Que viva comunidad” (Long live community - Figure 31), “Mi familia come de la minería” (My family eats from mining - Figure 32), and “Nuestras familias viven de la minería” (Our families live from mining - Figure 33). These simple yet powerful tropes assert that the survival of the basic building blocks of Guatemalan society — the family — is contingent upon resource extraction. Lest there be any confusion over the link between family and the broader sense of community, one banner made this explicit, stating, “Soy Estoreño y creo en la minería. Por nuestra familia y comunidad, ‘Sí a la minería’” (I am an Estoreño [i.e. I am from the town of El Estor] and I *believe* in mining. For our family and community, “Yes to

Mining." - Figure 34, italics added). Not only does this banner converse in some aforementioned strategies — rooting the claim in a specific community, using the language of "our" and linking family with community, but it critically adds a new component, in its use of the term "creo" — I believe. As was discussed with some of the billboards of the previous chapter, and as will be discussed further shortly, the language of belief and spirituality is often used to target subjects at a deeper level of their being than the realm of rationality that may calculate cost/benefit analyses when weighing the potential virtues of a mining project. In the realm of "belief," there is less room for doubt or questioning; in referencing the realm of spiritual orientation, as shall be explored further shortly, the very core of one's being is targeted. It is this foundation where core values and ethics are worked out, and it is upon this foundation that the more rational calculations are made. It is no accident that industry is targeting subjects to consider mining as commensurate with their understandings of themselves in a spiritual, cosmological sense. More on this shortly.

One last banner that invokes the language of the grassroots community speaks to an important duplicity that should be noted before moving on to examining the specificity of what mining development is said to entail, and the depth of one's being from which subjects are invited to aspire towards these benefits. The banner read, "Los niños aprenden con el yeso que producimos. Santa Elena" (The children learn with the gypsum (plaster) that we produce. Santa Elena - Figure 35). Clearly, mining is linked with the basic developmental process of children — education, but interestingly, here it is not "my" children or even "our" children, but *the* children: both mine, yours, and all children. This banner refers to children *in general.* Mining is securing one of the most basic aspirations all Guatemalans have for their children: education, which is equated with an escape from the extremely difficult life conditions that the parents have

likely endured. But there is something more insidious going on here, and it is reinforced in banners such as, "Este yeso se usa para hacer cemento" (This gypsum is used to make cement - Figure 36) and "Izabal dice Sí al desarrollo. Minero responsable. Sin cal no hay tortillas. Sí a la minería" (Izabal says yes to development. Responsible mining. Without lime there are no tortillas. Yes to mining - Figure 37). While it is important to observe that these banners equate mining with development and root that equation in material products that are important components of Guatemalans daily lives (such as cement and tortillas), there is a fundamental dishonesty that is also being perpetrated here, and it would be easy for the average passer-by of this march to miss. These banners refer to products mined through conventional, non-open-pit methods that have existed in Guatemala for centuries, with relatively minimal controversy. These more conventional methods of mining and the products produced therein have nothing to do with the resistance movement that has emerged against the key organizers and participants of the march — Canada's Goldcorp and Skye Resources (via their subsidiary, Compañia Guatemalteca de Níquel). Both use open-pit methods to mine for metals: Goldcorp, in their excavation of gold and silver in their Marlin mine, and in the case of CGN, they had been trying to re-open Inco's open-pit Fenix nickel mine, near Lake Izabal in the El Estor region of eastern Guatemala. The resistance against that mine is not only borne out of concerns for the environmental and health impacts of the proposed mining method, but over land ownership issues as well (those issues will be examined in Chapter 6). It is these mines — that in effect bring relatively few jobs and leave an enormous environmental and social footprint, that have aroused the resistance movements that Goldcorp and CGN seek to combat with this pro-mining march. Indeed, it is fair to say that there is no concerted resistance movement in Guatemala against the excavation of sand or gypsum. None of the banners, nor any of the discourse

emerging to legitimize open-pit mining, differentiates between the uncontroversial and unchallenged methods of earth excavation for gypsum, lime and sand, and the very controversial and destructive chemically-intensive open-pit metallic mining process. Both are conflated, and as the former is deemed by most Guatemalans to be uncontroversial and legal, the latter also piggy-backs onto that general tacit acceptance, suggesting that it is outrageous and indeed illegal to challenge *any* type of mining.

MTC was quick to notice a similar, fundamental dishonesty in the message that was generated by one of the organizers of the march: MTC notes that while the organizer (the aforementioned Guild) stresses that the mining industry provides a source of income and employment for more than 350,000 Guatemalans, it fails to mention that the contentious issue is not mining in general, but rather open-pit metal mining — the low cost, high return method of mining that Canadian companies have brought to the country. In the grand scheme of things, these mines offer relatively few jobs. Environmentalist Magali Rey Rosa also underscores the dishonesty at work here, stressing that it is really the destructive practice of open-pit metal mining that is subject to the resistance movement, not the far less destructive and less contentious mining of lime and sand. It adds yet another layer of dishonesty to this staged performance, that it seeks to erase the distinction between the controversial and destructive open-pit metal mining and more conventional excavation of lime and sand, which most Guatemalans would find far less contentions. Again, this is not accidental: by wedding the two processes, CGN and Goldcorp effectively use this latter type of mining as the objective correlative that signifies *all* mining practices as relatively uncontroversial. Even more dishonestly, the march served to remind Guatemalans that the material results of mining are critical to their lives, such as the banners of Figures 38 and 39, declaring, “This gypsum is used to make cement,” and

"Izabal says yes to development. Responsible mining. Without lime there are no tortillas. Yes to mining." It is true that Guatemalans enjoy cement and tortillas, but the mining that generates gypsum and lime has never been under attack, and the Canadian companies who find themselves subjected to fierce resistance for bringing open-pit metal mining to the country do not supply these basic staples to Guatemalan society. In the case of Goldcorp, they produce precious metals that will mostly go toward jewellery production or investment, both of which will be entirely out of the reach of the vast majority of Guatemalans. Nonetheless, Goldcorp and CGN insert themselves into the Trojan Horse of relatively uncontroversial mining methods that supply Guatemalans with the mortar of their lives, in attempts at shoring up broad-based support for their activities. This Trojan Horse may be more evident in a banner that reads, "Mas de 100 años de experiencia. Minera en Huehuetenango" (More than 100 years of experience. Mining in Huehuetenango - Figure 38). Certainly, Huehuetenango may have 100 years of experience of mining, but not with the large and contentious open-pit, chemically-intensive mega-projects that Canadian companies have brought to the country, engendering much outrage and resistance.

Laclau and Mouffe (2001) observe that the purpose of efforts to shore up hegemony is to erase the particular, political motivations at work, in order to achieve one dominant mode of social organization and distribution of power and resources. As the dominant hegemonic reading comes to be seen as "objective" or "natural," alternative orders and distributions of power are neither considered nor struggled for. Struggles against the hegemonic order can then be cast as efforts that go against the "natural" or inevitable order of society, and thus delegitimized and attacked. All of the banners examined thus far seek to shore up a hegemonic understanding of open-pit metal mining. Like most strategies borne from public relations initiatives, the tactics employed are deceptive, misleading and manipulative. The banners in Figures 35-38 in

particular can be seen as efforts to root the hegemonic meaning of Canadian-owned open-pit metal mining in historic practices that Guatemalans already mostly support, feel comfortable with and indeed rely upon for the basic staples of their lives.

Attempts at occluding the particular political interests that lie behind these discursive efforts can be seen in the following banners that demonize efforts at establishing a moratorium over open-pit metal mining in the country. One banner reads, "Comunidad de la Cruz. No a la moratoria de la minería" (Community of La Cruz. No to the mining moratorium - Figure 39). Again, the use of the language of "community" is important, as it was in fact community, grassroots efforts that had been struggling to achieve the moratorium over this most destructive method of mining. Another outraged banner read, "El Congreso es para ser leyes NO!! para distorcionarlas. Respeten la constitución" (Congress is to make laws. NOT!! to distort them. Respect the Constitution - Figure 40). Efforts at establishing the moratorium against open-pit metal mining *had* been using the official legal channels available, in appealing to Congressional lawmakers to consider the merits of the appeal. These efforts, however, are not seen as a legitimate democratic exercise, but are rather signified as a "distortion" of the basic legal process of the country — as "disrespectful" of the country's Constitution. Perhaps anticipating a possible failure to challenge the proposed moratorium, another banner reads, "Los mineros vivimos de la minería, no de leyes" (We miners live from mining – not from laws - Figure 41). Here, regardless of the legal outcome of the proposed moratorium, Guatemalans are reminded that their survival is contingent not upon laws, but upon mining. Nonetheless, another banner echoes the sentiment of the banner in Figure 40, declaring in somewhat curious wording, "Cumplimos con la ley que la ley cumpla" (We abide by the requirements of the law. Let the law abide by its own requirements [or, we obey the lay – let the law obey as well] - Figure 42).

This banner suggests that "we" are upright, just and law abiding — now let the law itself also be just, proper and upright.

Notions of justice and propriety also pervade the numerous banners that specify what, in particular, constitutes the development that mining brings. One banner that weds claims to being law-abiding and upstanding with the specifics of development asserts, "Respetmos los derechos mineros. La ley ampara la minería. Queremos salud, educacion y progreso. Sí a la minería" (We respect mineral rights. The law supports mining. We want health, education and progress. Yes to mining - Figure 43). The first part of this banner specifically targets the legal challenge to open-pit mining that had been submitted to the Congress, in the proposed moratorium on open-pit metal mining. As with the previous few banners that attack these legal challenges as unjust, this banner speaks of a "we" — again, a broader Guatemalan collective, and that we "respect mineral rights." The next statement that "the law supports mining" suggests that the perfectly legal challenge to the constitutionality of open-pit mining is unto itself illegal. Again, notice the strong, positive verbs: respect and support. We are hard working, law abiding citizens, from which emerges respect and support for this crucial activity.

The closing refrain was echoed in several other banners, such as the one in Figure 44 (We want health, education and progress: Yes "to mining.") Promises to health are important in this public relations campaign, for, as noted previously, the health damages caused by open-pit metal mines are often the most difficult consequences that surrounding community members face — especially given that they almost always lack the funds to treat their symptoms or alleviate the harms by purchasing purified water and foods that were not grown in local soil. This promise of health resembles cigarette advertisements from the 1950s, which often featured "medical experts" declaring that either no adverse affects, or positive health effects were caused by

smoking a certain brand of cigarettes. It is in this vein that Canadian mining companies occasionally construct a "health clinic" close to the mine site, as Goldcorp did in Honduras' Siria Valley. Locals complain that calling it a "clinic" is really an overstatement; it lacked medicines and the capacity to perform basic medical services. It also closed after the mine ceased operating.

The banners in Figures 45 and 46 both signify mining as modernization. The banner in Figure 45 equates mining with three hallmarks of "modern," advanced, industrialized society: "Minería es: tecnología, capital y progreso. Por ello El Progreso dice *Si!!* a la minería (Mining is: technology, capital and progress. Therefore El Progreso says *Yes!!* to mining). This banner serves to advance a discourse of mining exactly in line with Escobar's earlier critique of the hegemonic discourse of development by which the North came to exercise power over the South. Technology and capital entail "progress," hence societies lacking in both must, by implication, be inferior and regressive. Escobar argues that, "it was in the name of modernization and development that an entire productive apparatus took charge of the management of the life of the 'new' nations, replacing the older and more visible forms of colonial oppression and bringing forth at the same time a different disposition of the factors of life" (Escobar "Discourse and Power in Development" 331). Under this paradigm, modernization is equated with progress, while "traditional" ways are cast as inferior. The next banner makes this even clearer. It reads: "Sin minería no habría: casas, ni carros, ni celulares, ni compudatoras. Solo ranchos, cuadernos y carretas de bueyes" (Without mining there would be no houses, cars, cell phones nor computers – only small farms, notebooks and ox carts - Figure 46). The implication is that we who carry this sign, and we who may identify with its message, are patently inferior or defective without the modern technologies of the more "advanced," industrial societies of the Global North.

Mining is the magic key that unlocks the chains that keep a society in the dark, inferior world of small farms, paper notebooks and ox carts.

Tania Li notes that for Nikolas Rose (1999), governmental thought is that which has become "technical," whereby technology is cast a social saviour that generically improves quality of life (51). She points to other scholars, such as Hubert Dreyfus and Paul Rabinow (1982), who argue that appeals to "expert knowledge" serve to remove political problems from the domain of political discourse and debate, "recasting it in the neutral language of science" or technology (196). This echoes the concerns that scholars of technology have expressed for decades, in which political and corporate elites in (theoretically) democratic societies justify consolidations of power by appealing to the purportedly neutral, scientific prescriptions of technocratic "experts," thereby jettisoning the messy business of democratic dialogue and masking political power plays with the language of technical necessity and inevitability.[68] Who are we, after all, to politicize (implying to bias, degrade and pollute) the sacrosanct wisdom of neutral, disinterested experts, whose advice merely serves to advance the "social good"? The appeals to the technologies of "modern" societies in the banners of Figures 45 and 46 seek to erase the political power that implicitly belittles and delegitimizes Guatemalan society as being at an impaired state of "development." Rather, the banners state apparent truisms, that cell phones and computers are the golden rings that any healthy society must aspire towards, and that the technology, capital and progress that mining invariably entails can usher Guatemalans toward those sacrosanct goals.

But how can such a social revolution — from backward, traditional ways, to modern, progressive technological ways, be financed? The banners in Figures 47 and 48 make that

[68] Andrew Feenberg (1999) provides a compelling treatment of this critique in his *Questioning Technology.*

answer abundantly clear: from abroad. The banner in Figure 47 reads: "Sí queremos el desarollo del País: 'Apoyamos la Minería.' La Minería genera divisas, Inversión y Crecimiento" (Yes we want the development of the country. "We support mining." Mining generates foreign currency, investment and growth). It again speaks in terms of the "we" who desire the development of "the country," for which reason we support mining. Foreign currency and investment are critical to finance our country's necessary growth. The next banner is even more succinct: "Queremos inversión extranjera" (We want foreign investment - Figure 48). No more need be stated. These banners reinforce the hegemonic model of international development that Escobar has cogently critiqued: in order to move forward, we need foreign capital, and the implication is that the only means of accessing that capital is through foreign-owned mining projects.

Another important component of the march entails appeals toward indigenous identity. As was seen in the section of Chapter 1, "Branding Indigeneity," wedding indigenous identity with open-pit metal mining is one important component of industry's strategy of shoring up support and defeating the resistance movements that oppose it. As noted, Guatemala is mostly inhabited by indigenous peoples, and furthermore, many indigenous people resisting the Canadian mines have voiced their concerns in terms of their indigenous value systems, arguing that the destructive method of mining that Canadian companies have brought is entirely incommensurable with their indigenous value systems, by which they seek to do no harm to the earth, water or air, and to husband the environment for future generations. Both Canadian miners and the Canadian government are carefully, assiduously working to breach this correlation between indigenous value systems and resistance to Canadian open-pit mining practices. Two banners in this march reflect this strategy: one reads, "Soy indígena y creo en el desarrollo Minería responsable es vida para todos" (I'm indigenous and I believe in

development. Responsible mining is life for everyone - Figure 49). Here we see efforts at wedding indigenous belief systems that would ordinarily be resisting open-pit metal mining, with *support* for it. Critically, this banner does not speak of desiring or demanding, but *believing.* The banner targets deeper than indigenous people's surface desires by speaking in the more fundamental language of underlying belief; it seeks to wed subjects' underlying understandings of the world with a belief in mining as responsible development for the broader Guatemalan collective. Other banners invoke another powerful and fundamental aspect of the psyche: pride. One banner reads, "Mineros Q'eqchi. Orgullosos de nuestro trabajo" (Q'eqchi' miners. Proud of our work - Figure 50). Every word in this banner is critical. "Q'eqchi' miners" reinforces the link between indigenous identity and mining. The second phrase invokes the common collective in speaking of "our work." And of course pride: not only is one not ashamed to be partaking in potentially destructive activities, but one does so with pride. We are Q'eqchi miners, and we are proud of our work.

Contrary to Althusser's understanding of the subject, Laclau and Mouffe (2001) argue that subjects are not ultimately determined by ideology that arises from, and seeks to maintain, existing material economic conditions. Like many poststructuralists, they argue that while subject positions are formed in discourse, multiple, competing discourses are always at work simultaneously. Thus subjects are fragmented, or torn between different discursive formations that position them in different ways. As was seen earlier, the discourse that seeks to shore up support for mineral extraction often appeals to other, pre-existing discourses in which subjects anchor their identity claims. This is done to achieve legitimacy, and several banners revealed how deep into the psyche such efforts plumb, such as the banners that wed religious and spiritual beliefs with support for mining. One banner proudly proclaims, "La Minería es trabajo para los

guatemaltecos. Soy minero, yo también creo en Dios" (Mining is work for Guatemalans. I am a miner, I also believe in God - Figure 51). Here, not only is the benefit of the collective stressed at the outset, but that message is reinforced in a profound way, by wedding religious conviction with support for the industry that will bring those collective benefits. Another banner repeated the refrain: "Soy minero, y tambien creo en Dios" (I am a miner, and I also believe in God - Figure 52).

Another banner similarly appeals to Guatemalans' already pre-existing religious conviction, seeking to marshal the devoted energy that already exists in that realm, to seduce similar support for mining. It reads, "Los mineros vestimos de plata a la Virgen de Chiantla. Huehue apoya a la minería" (We miners dressed [or dress] the Virign of Chiantla in silver. Huehue supports mining - Figure 53). It would likely be easy for an outsider who may be unacquainted with Guatemalan mythologies to miss the symbolism of this message, but the banner is not targeted to outsiders, and the message would not be lost on any Guatemalan. The Virgin of Chiantla is a statue of the Virgin Mary in a small church in the village of Chiantla. The statue — La Virgen del Rosario — is dressed entirely in silver, and was the gift of a wealthy conquistador who owned a local silver mine. People believe that the statue has miraculous powers to heal the sick and grant people's wishes for health and well-being for themselves and their loved ones, and they make pilgrimages from all over the country to visit it, in the hopes of experiencing its miraculous effects. The church that houses it also has murals of indigenous miners slaving away in the mines, while seeing God in the process. There is even an annual holiday on February 2nd, in which people make pilgrimages to the church from all over the country, en masse. This banner uses a strategy that comes straight out of advertising and public relations play books, as it very cleverly and succinctly weds mining with the powerful symbolic

meanings of health, personal development and spiritual salvation that are already well established, and represented by the Virgin. This banner seeks to harness people's devoted, unwavering belief in the miraculous, healing, salvational power of the Virgin of Chiantla, and channel that faith towards mining. The implication of the banner is that mining, too, can offer spiritual redemption. Of course the banner does not state this directly, but neither do effective advertising or public relations techniques directly link the desired narrative with a given product or platform; the link is made indirectly, combining narratives within the message, like the chains of equivalence in Laclau and Mouffe's terminology. Advertisements do not directly proclaim that a certain cola will imbue the consumer with athletic prowess and sex appeal; that message is achieved by linking the product (or a symbol of the product, such as its representative logo) with images that suggest those attributes. Those attributes are then wedded to the product by the viewer of the ad. The same process is at work here.

Beyond cross-pollinating mining with religious conviction, other banners invoke the narratives of a strong moral fibre. One banner spoke of "honour," stating, "Queremos trabajar honradamente la minería (We want to work honourably. Mining - Figure 54). Another spoke of respecting humanity, stating, "Cooperativa (illegible). Vivimos de la mienría. Respetimos al projimo" (The [illegible] co-operative. We live from mining. We respect our fellow man - Figure 55). Just as with the religious metaphors, these banners seek to transfer the meaning of being a good, upright, honourable human being, with working and living from mining. In the language of Laclau and Mouffe (2001), these banners seek to establish the dominant significance of the nodal points of identity in which people anchor their sense of themselves, and establish systems of values and ethics. The discourses of respecting one's fellow human and living/working honourably also become critical, for as shall be seen in the following chapters, it

is precisely the reverse narrative that is used to signify those who resist mining: critics of open-pit metal mining are discursively constructed as illogical, vile, despicable, manipulative, selfish people who would seek to sabotage the collective development of the country. While those who are tarred with this brush often vehemently refuse and oppose this identity construction, as shall be seen in the subsequent chapters and the conclusion, its effect is nonetheless significant enough to almost invariably divide communities (and even families) and unleash a range of repressive conditions upon the industry's critics.

This faux "protest" march ultimately seeks to frame the foundations of subjects' lives in the terms of the discourses projected by banners. In Lacanian terms, the organizers of this march are seeking to construct a "master signifier." Zizek (2006) explains that a master signifier is that grand, totalizing narrative which, "all of a sudden, turns disorder into order, into 'new harmony'" (Zizek *Parallax* 37). It "magically" converts a potentially chaotic and cacophonous reality into one that is ordered and understandable. Zizek offers the example of anti-Semitism in Germany in the 1920s: "people experienced themselves as disoriented, thrown into undeserved military defeat, an economic crisis which eroded away their life savings, political inefficiency, moral degeneration…and the Nazis provided a single agent which accounted for it all — the Jew, the Jewish plot. Therein lies the magic of a Master: although there is nothing new at the level of positive content, 'nothing is quite the same' after he pronounces his Word'" (37). Lacan argues further that the notion of an essential, true, complete self is an illusion created via subjects' identification with "master signifiers" (Bracher 112). The pro-mining "protest march" seeks to frame subjects' core understandings of themselves by "summoning" them with discourses that link ethical conduct with positions that support and embrace mining. Zizek's example is especially useful, for as shall be argued in the following chapters, not unlike how the Nazis

offered the narrative of the parasitic Jew to provide an all-encompassing explanation for the turmoils of life in Germany between the two World Wars, so too do the regimes that seek to advance Canadian mining projects in the region offer the discursive construct of the demonic "anti-mining activist" who opposes all things good, just and reasonable, as a master signifier as well. This strategy — presented in this dissertation as the antithesis of the proposed dialectic by which Canadian mining companies seek to attain "social license" in which to operate — constructs the "anti-mining" or "anti-development" activist as the foil against which subjects, via their rejection of that demonized subject position, are assisted in identifying with the "ethical" subject positions proffered by the march. Laclau and Mouffe (2001) argue that such "master signifiers," or in their terminology, "nodal points," as noted previously, are thoroughly constructed in discourse. Numerous banner messages attempt to construct such nodal points of discourse: in inviting subjects to identify with their very understanding of themselves via the framing of mining in the terms used in the banners, Guatemalan subjects are persuaded to adopt these illusionary understandings of themselves. They are persuaded to contemplate their "true essences" in terms that support the activities of resource extraction. Despite being thoroughly text-based and devoid of images, these banners do not employ language in order to appeal to rational faculties and capacities for critical reasoning; rather, not unlike the techniques of advertising briefly explored in the previous chapter, the messages conveyed by these banners target Guatemalans at the core of their beings, encouraging them to identify themselves and contemplate their "imaginary wholeness" as subjects who intimately depend upon, believe in, and embrace mining. The meaning of this staged performance is also not merely found in the messages on the banners, but in the entire spectacle of Guatemalans marching to Congress with these messages emblazoned upon the banners that they carry — in the performance of hundreds

upon hundreds of anonymous strangers filing toward the lawmakers' chambers, calling out to spectators that the "country's development" is inextricably bound up with mining activities.

As was seen with the Goldcorp advertising billboards, subjects are likewise encouraged to form a group identity under the banner of the discourses employed in the march. As with all attempts at formulating group identities, the motivation is never apolitical, and a particular discourse establishes a chain of equivalence in which various disparate subject positions are invited to ignore their differences and unite under a common conviction. In the present case, that entails belonging to the group that is seeking the betterment of Guatemala. As such, "development" becomes a nodal point of identification, which is filled with the various discourses on spirituality, technology and foreign investment. As shall be argued further in Chapters 4, 5 and 6, this group identity is constituted in contrast with the "other" whom "we" are not: the constructed imaginary group of "anti-mining activists," signified as illogical "anti-development" crusaders seeking to sabotage the betterment of Guatemalan society that "we" are struggling for. The notion of being "anti-development" is another nodal point around which identity claims are organized, and it becomes filled with discourses entirely antonymous to those that compose and support the nodal point of "development": "anti-development" entails irrationality, immorality and illegality. The relationship between these two nodal points is one of mutual dependence, as each works in the constitution of the other. Each discursive construction works to galvanize people into the opposite camp, creating a social polarity of "pro" or "anti" mining forces that invariably leads to social conflict. The next chapters look more carefully at the politics of delegitimization by which critics of Canadian mining companies are discursively constructed as threats to "our" development.

> "Just as the Indian was branded a savage beast to justify his exploitation, so those who sought social reform were branded communists to justify their persecution."
>
> - Piero Gleijeses, *Politics and Culture in Guatemala*

CHAPTER 4

Branding Dissent and the Politics of Delegitimization

The next three chapters examine the proposed dialectic's antithesis — how opponents of Canadian mining projects in Central America and beyond are routinely delegitimized as part of a larger project of winning "social license" for the mine. Chapter 5 looks at the politics of *consultas populares* — community-organized plebiscites by which local Guatemalan villagers have been expressing their opposition to open-pit metal mining in their territories. The particular discourses invoked by industry, government and the mainstream media to delegitimize them, like the discourses examined in the previous chapters, are read as metonyms: in the role that these discourses play in the dialectic presently proposed, they reveal a larger pattern by which inequitable distributions of wealth and resources, and destructive models of "development" are advanced. Chapter 6 examines the politics of land claims and resistance to the Fénix nickel project in eastern Guatemala, in the El Estor region near Lake Izabal. In January 2007, five indigenous Mayan Q'eqchi communities were violently and illegally evicted from their homes on behalf of Canadian mining company, Skye Resources. Skye, which owned the Fenix mine at the time, claimed ownership over the vast tracts of land from which the residents were evicted. Locals, however, contest that claim, insisting that they are the rightful owners of the land. The accompanying 10-minute documentary, *Desalojo (Eviction)*, chronicles two of those five

evictions. Chapter 6 explores how Skye[69] managed their project and how the Canadian state assisted them by delegitimizing those who cast a critical gaze upon their activities. Before turning to those events, however, in order to better understand the situation of Guatemalans currently struggling with and against Canadian mining companies in their regions, this chapter offers a political and discursive history from which the events of the next two chapters emerge. Like the historical account offered in Chapter 1, the purpose of this chapter is by no means to provide an exhaustive treatment of the history of Guatemala, or the regions where the events examined in the following chapter take place. Rather, the historical account provided here offers a concise and selective chronicle that grounds the analyses offered in the following chapters, arguing that the events explored there emerge directly from this history — both politically and discursively.

"Ten Years of Spring"

Like the history of the construction of the discourse on development offered in Chapter 1, the historical account offered here also begins at the close of the Second World War. From 1944-1954, Guatemalans experienced what some nostalgically refer to as their "ten years of spring," in which two democratically elected presidents ushered in a wave of progressive social reforms, designed to improve the living conditions of the majority of the population. The country had never before experienced a president who had so represented the needs and interests of the impoverished majority, and, as many would argue, it has never seen one since (Gleijeses *Politics and Culture in Guatemala* 380-1). The advances made during this decade were violently reversed in 1954, when the second of those progressive presidents, Jacobo Arbenz — who had

[69] In August 2008, Skye was purchased by Canadian mining company HudBay Minerals. In September 2011, HudBay sold the Fenix project to a private equity firm, Solway Investment Group, incorporated in Cyprus (losing over $200 million in the process). http://www.reuters.com/article/2011/08/06/hudbay-solway-idUSL3E7J54R520110806 (accessed 5 January 2013).

been branded a communist for his progressive social reforms — was overthrown in a coup d'état that was orchestrated and funded by the CIA. As many historians have argued, Guatemala has never recovered from that episode, as for most of the forty years following the 1954 overthrow of Arbenz, Guatemala was ruled by ruthless military dictators who, as Chomsky argues, "could comfortably rub shoulders with Himmler and Mengele" (Chomsky 2). Following the coup, a grassroots indigenous movement animated by the values of socio-economic justice and equality that propelled the progressive reforms of the "ten years of spring," organized and resisted those dictatorships. The Guatemalan military, in its efforts to crush the resistance movement and maintain the oligarchic structure of power that the movement threatened, tortured and massacred tens of thousands of people in an extensive campaign of indiscriminate violence. Entire villages, accused by the military of supporting the guerrillas, were wiped out. Harbury, who worked extensively with the resistance movement, notes that in the 1980s alone, "massacres were carried out in some 660 Mayan villages" (Harbury *Truth, Torture and the American Way* 35). She explains that:

> The army went after the villagers, knowing full well that this uprising was rooted deep in the Mayan people themselves. They said they were draining the sea in order to catch the fish and they set about a scorched earth and massacre campaign the likes of which had scarce been seen since the days of the conquistadors. Within a few nightmarish years, some 440 Mayan villages had been wiped from the map altogether, the charred bones of the dead left scattered through the cornfields. In San Francisco Nentón, three hundred peasants died in a single afternoon. In the City the progressive movement was destroyed, the unions crushed, the students shot and beaten to death on campus, the doctors and teachers working with the rural poor vanishing in the middle of the night. The liberal church circles were next, the nuns and priests left dead alongside the bodies of their catechists. Soon the death toll was one of the highest in the hemisphere. (Harbury *Searching for Everardo* 12)

The civil conflict officially ended with the signing of peace accords in 1996, and in 1999, the U.N. Truth Commission (CEH — Comisión para el Esclarecimiento Histórico, or Commission for Historical Clarification) released a post-mortem report that assessed the results

of 36-year internal conflict: it estimated that at least 200,000 people had been killed, and that 83% of the victims were indigenous Mayans. The report found the army's "counterinsurgency practices" accounted for 93% of the atrocities committed, and that the army's actions constituted genocide (Harbury *Truth, Torture and the American Way* 35*;* Sanford 14). While the civil conflict has since ended, some would argue that the situation of poverty, impunity, corruption and inequality is only marginally better today — if better at all — than it was under the military dictatorships during the conflict. The lack of justice for the victims of past atrocities is a sadly continuing legacy; on December 28, 2012, Guatemalan president Oscar Perez Molina — a former general who is accused of human rights violations himself for massacres perpetrated during the internal conflict — issued a presidential decree declaring that the country will not abide by any rulings of the Inter American Court on Human Rights (IACHR) relating to any military-perpetrated crimes that occurred prior to 1987 (Bird).

As noted in the introductory paragraph of this chapter, the events explored in the following two chapters, regarding the community plebiscites in the San Marcos and Sipacapa regions near Goldcorp's Marlin mine, as well as the 2007 evictions near El Estor and subsequent developments in the region, emerge from two interconnected levels of history: political and discursive. Specific material, political events originally displaced the Mayan Q'eqchi' inhabitants from their lands surrounding Lake Izabal in the 1960s, in order to make way for Canadian nickel mining company, Inco. Discursively, the way in which today's opponents to Canadian open-pit metal mining projects are routinely delegitimized as "anti-mining" agitators or radical "anti-development" activists emerges from the ways in which their ancestors were delegitimized during Guatemala's 36-year internal conflict as "communists." As opponents to Canadian mining projects are branded as "anti-mining activists," that constructed identity

justifies their persecution by those seeking to advance the mining projects. Likewise, as their ancestors — many of whom opposed Inco in the El Estor region in the 1960s, 70s and 80s — were branded "communists," that constructed identity justified their repression on behalf of the brutal, murderous Guatemalan military and paramilitary forces. The discourses on the "anti-mining" or "anti-development" activist and the "communist" operate in such chillingly similar ways, that it is worth approaching this history with some careful attention, before moving on in the following chapter to examine the discursive construction of those who oppose Canadian mining in the region today. Historian Piero Gleijeses, lamenting the massacre of hundreds of thousands of innocent Guatemalans in the name of "fighting communism," hopefully declares that "perhaps with the end of the Cold War, the anti-Communist banner, in whose name so many crimes have been perpetrated and so many minds warped, will be lowered" (Gleijeses "Afterword" xxxv-vi). This chapter argues that ultimately that banner has not been lowered, or if it has, it has been lowered only long enough to erase the discourses of communism/anti-communism, and re-inscribe it with the discourses of development and anti-development that are being deployed today to advance Canadian mining projects in the region. Both discourses function to advance the model of capitalism that both serves and is perpetuated by Northern-owned business interests in the region. During the Cold War, a primary impetus for circulating the discourse on the "communist threat" posed by Guatemala was the U.S. banana grower, United Fruit Company, but as shall be explored further in Chapter 6, Canadian mining company Inco also benefited from this discursive construction. The hope of this chapter is that through understanding how the discourse of fighting "communism" was deployed in Guatemala (and beyond) during the Cold War, as well as how those tactics so strikingly mirror today's discursive deployments that are advancing Canadian mining in the very same region, the reader may come

to appreciate the discursive history from which the present discourses on "development" and "anti-development activists" emerge. Furthermore, this history is offered as a caution, to underscore the stakes and dangers involved in the larger strategy at work: how Canadian mining regimes are seeking to shore up "social license" for their projects abroad by strategically legitimizing their activities and delegitimizing those who oppose their activities.

The Continuing Legacy of the "Anti-Communist" Narrative

On September 9, 2011, *The New York Times* ran an article by foreign correspondent Damien Cave about the upcoming presidential election in Guatemala, and the likely success of candidate Otto Pérez Molina — a former military general who symbolized his campaign with the ever-present image of an iron fist (Molina was indeed victorious). Part of what Cave deemed to be newsworthy was that people who had been so brutalized by the military over the bulk of the second half of the twentieth century should be poised to elect a military man to the job of top political office. He begins his article, "Desperate Guatemalans Embrace an 'Iron Fist'," with reference to the military atrocities committed — some under the watch of the soon-to-be-elected president:

> They burned villages, killed children and, just a winding road away from here in 1982, the Guatemalan military also massacred hundreds of Mayan peasants, after torturing old men and raping young women. But now, all across these highlands once ravaged by a 36-year civil war, the region's bloodiest anti-Communist conflict, Guatemalans are demanding the unthinkable — a strong military, back in their communities. (Cave)

At first glance, Cave's sympathies appear to be with the innocent victims of the state-orchestrated genocide that ravaged Guatemalan cities and countryside alike from the 1960s through the mid-1990s. He continues his analysis by noting that as rival gangs and Mexican drug cartels presently battle for turf, violence has escalated to such an extent that the general population is turning in fear to the unthinkable — a former military general to police the country and restore the peace, as he promised to do throughout his campaign. Cave then quotes an

American scholar who critiques the problematic nature of electing a military general to police the country: "'The notion that the military is the 'deus ex machina' that's going to resolve everything' does not recognize that the military 'may also be part of the problem,' said Cynthia Arnson, an expert at Woodrow Wilson International Center for Scholars." Cave, however, observes why Guatemalans may be turning to Molina at this volatile point in the country's history, despite the fact that credible accusations link him to massacres perpetrated during the internal conflict that lasted from 1960-1996: frustrated 20-somethings are now the majority of the Guatemalan electorate, and they may not have the best grasp on their own history, or as he notes, "The country's poorly financed schools do not include lessons on the war... and despite efforts to unearth both memories and victims, most young Guatemalans are unaware of their country's history." Consequently, he asserts that,

> more than 60 percent of Guatemala's roughly 7.3 million registered voters are between 18 and 30 years old. In their eyes, the war that killed an estimated 200,000 Guatemalan civilians is a vague shadow. The old ideological fight over whether leftist insurgents — angered by an American-backed coup in 1954 — would lead the country to Communism means nothing to them. The army itself is a different institution now, far smaller, often responsible for passing out government aid and considered less corrupt than the police or the courts. (ibid)

Cave concludes his piece noting the antipathy and distrust that often exists in Guatemala towards the rampant corruption and impunity that Guatemalan state institutions are rife with, noting that, "the main challenge for whoever wins may be building confidence in a state described by Guatemalans as a caricature, a failure, a shame (*sic*) or nonexistent. In Cobán, many residents said that any attempted solution from the government, including a stronger military, would either never happen, or be blunted by the rich or criminals."

At first glance, the article may appear to be relatively neutral and innocuous — perhaps even mildly critical of the Guatemalan military forces that systematically terrorized their own population for nearly forty years. In noting the contradiction between a Guatemalan electorate

turning to a former general who is accused of having blood on his hands from his days as a commanding officer during the country's internal conflict, Cave touches upon (although by no means elaborates upon) some long-accepted understandings of Guatemalan history: of a general population ravaged by a merciless military that "scorched the earth," torturing and massacring tens of thousands of innocent men, women and children, in its purported attempts to crush the guerrilla rebels. It is curious, however, that Cave should accuse the Guatemalan youth of having a poor grasp on their own history, when his own understanding appears to be so ideologically tainted, such that those who are not already convinced of the ideological role played by institutions such as *The New York Times* might marvel at how such an article managed to appear in the form that it did. Cave would be well served to flesh out and elaborate upon what forces he perceives to have motivated and underlain the internal conflict that for 36 years was responsible for so much bloodshed and untold misery, for his references to "Communism" ("the region's bloodiest anti-Communist conflict" and "the old ideological fight over whether leftist insurgents…would lead the country to Communism") are not only grossly inaccurate, but dangerously recycle precisely the hegemonic understanding that provided ideological cover for the atrocities that he notes in his article, including (although unmentioned by him) his own government's responsibility for the civil conflict that ravaged the country for so many years. That responsibility stems from two factors: first, the U.S. orchestration of the 1954 coup d'état against the democratically-elected president Jacobo Arbenz, who had been implementing modest agrarian reforms and other social programs that benefited the majority of poor Guatemalans; and second, throughout the many years of the internal conflict that followed the coup, and especially during President Ronald Reagan's tenure in the 1980s, the U.S. provided unwavering military and intelligence support to the murderous Guatemalan military butchers who razed entire

villages to the ground, raping and pillaging as they went, and all in the name of "fighting communism."

The historical record reveals, however, that "Communism" had almost nothing to do with the conflict that wrought so much misery upon the country. While members of the Eisenhower administration and CIA officers who orchestrated the 1954 coup d'état that overthrew President Arbenz did express fears of a "Soviet beachhead" forming in Guatemala, there was no actual evidence to corroborate these fears. Ample evidence did exist, however, to contradict these claims. While communist politicians were indeed active at the time (along with those of every other political stripe — a function of the newly found political freedom from the previous dictatorial regime which had outlawed all forms of dissent), Arbenz was known to be an avowed adherent of capitalism; he modelled his social reforms after FDR, not Lenin or Stalin. Gleijeses (1991), who examined files seized by the CIA following the 1954 coup and interviewed former Agency officials, found no connection between Arbenz and Moscow. As Cullather (2006) notes, "the CIA and State Department fears about Soviet links were grossly exaggerated. The Soviets made one contact with the Arbenz government, an attempt to buy bananas. The deal fell through when the Guatemalans could not arrange transport without help from United Fruit Company" (Cullather *Secret History* 26*;* Gleijeses *Shattered Hope* 187-8). Furthermore, the small number of active communist politicians were widely seen by analysts across the political spectrum to be scrupulously honest and hard working — indeed viewed by many as the only incorruptible politicians in Guatemala at the time. One U.S. Embassy official, noting that communist political leaders were virtuous, upright and reliable, stated that, "this was the tragedy: the only people who were committed to hard work were, by definition, our worst enemies." Chomsky observes that they were deemed to be the U.S.'s worst enemies because they had "entirely the wrong

concept of who should be 'the first beneficiaries of the development of a country's resources'… Whether they were technically 'communists' or not scarcely mattered" (Chomsky 12).

Furthermore, "communism" had almost nothing to do with the subsequent 36-year conflict itself; the rebels who were resisting military and oligarchic control of the country and the egregious exploitative conditions that a vast majority of Guatemalans were subjected to, were not animated by Marxist ideals. They had no contact with Moscow, and the Soviet Union expressed little interest in this small Central American nation's struggles. The guerrilla resistance expressed no desire in converting Guatemala into a communist enclave. What happened in Guatemala, however, is similar to what happened elsewhere in Central America and beyond throughout the second half of the twentieth century: the discursive construction of "communists" and Cold War discourses on the need to fight them for purportedly "national security" reasons, was strategically deployed as a subterfuge in order to justify imperial aggression and class warfare against poor and disenfranchised subjects who were struggling, often under conditions of unspeakable state-inflicted terror, for basic rights, social justice and a more equitable distribution of wealth and resources.[70] The fact that some (or perhaps many) who deployed this discourse on Communism may have actually believed it — despite there being little to no evidence to back up these claims and ample evidence to contradict them — speaks to both the seductive power and danger of hegemonic discourses that serve to animate and justify

[70] Chomsky (1994) argues that even in Cuba, "Communism" was but the pretense for U.S. imperial aggression, which vastly pre-dated the 1959 revolution, going back to the 1820s. U.S. warplanes were bombing Cuba in late 1959, *prior to* Castro's alignment with Communism. By March 1960, the Eisenhower administration had decided to repeat its intervention in Guatemala almost six years earlier and overthrow Castro — again, when Castro was avowedly anti-communist and the Russians had yet to enter the equation. Furthermore, U.S. aggression towards Cuba did not cease, but rather increased after the demise of the Soviet Union in November 1989 and the collapse of the so-called "Russian threat." It is in this regard that Chomsky argues that the threat of Communism was but a pretense for U.S. imperial aggression (inasmuch as claims of bringing "freedom and democracy" were but the pretense to mask U.S. geopolitical maneuvering and imperial aggression in 2003's invasion of Iraq). Chomsky argues that "from 1917 to 1989 the 'Soviet threat' was deployed to justify support for European fascism, a wide range of Third World monsters, and endless atrocities around the globe, on grounds so flimsy as to scarcely merit refutation" (Chomsky 10).

unjust acts of consolidating power, imbuing subjects who subscribe to these discourses with a sense of righteous vindication. This, of course, does not excuse the crimes committed under these false banners. It is worth revisiting Gourevitch's observation from his account of the Rwandan genocide, mentioned in the introduction: "The [Rwandan] government, and an astounding number of its subjects, imagined that by exterminating the Tutsi people they could make the world a better place, and the mass killing followed" (Gourevitch 6). The fact that the Rwandan Hutus who perpetrated the massacres may have actually believed the discourses that allowed them to feel a righteous obligation to perpetrate genocide, does not, of course, excuse their crimes. If anything, it redoubles the urgency to examine how discourses operate in this manner to advance and legitimize a particular power regime, which in the present analysis, is the export of a destructive and inequitable model of "development" throughout the Americas and beyond by Canadian mining interests. As the next chapters argue, Canadian extractive industry and governmental representatives working in Central America are ardently advancing a discourse on the need to protect the "development needs" of the local population that the "anti-mining activists" irrationally and immorally threaten. Chapter 7 examines the political will in Ottawa to prevent and destroy any legal mechanisms that might regulate the conduct of Canadian mining companies operating abroad; it argues that the primary discourse invoked speaks of the need to protect Canadian mining companies — discursively constructed as selfless purveyors of international development — from the predatory and menacing "anti-development activists" who, likewise, irrationally and immorally threaten the industry and hence the development of impoverished people abroad. The present chapter argues that those strategies are exact replicas of — indeed they emerge from — Cold War strategies by which social justice activists who were petitioning for more equitable distributions of wealth and resources were demonized as

"communists" and, in the case of Guatemala, massacred by the tens of thousands. The crucial link is that in both cases, duplicitous discursive constructions that are not rooted in reality are deployed in the service of maintaining and defending an inequitable and destructive economic model. The bloody consequences of the deployment of discourses on Communism in Guatemala from the 1940s onwards, and the striking similarities with the strategies by which Canadian mining regimes consolidate power today and the effects of those actions, should offer a sobering lesson on the dangers involved in invoking these discursive strategies of delegitimization. The conclusion will also offer a brief account of some of the social justice activists who have been assassinated over the past several years for their resistance to Canadian open-pit metal mining in their communities.

"Communism" in Guatemala – A Brief History

Centuries of Spanish colonial rule had reduced Guatemala to a state of great impoverishment. Independence from Spain in 1821 did little to alter the lives of the average Guatemalan, as the country was ruled by often ruthless Spanish-descendent strong-arm military dictators who maintained the inequitable social structures imposed by Spain. Power dynamics in the country began to shift around the turn of the 20th century with the first major post-colonial influx of foreign capital, when investors seeking to exploit a global boom in the coffee trade flocked to the country to establish plantations. Boston's United Fruit Company had also established itself in Guatemala and neighbouring Honduras in the late 19th century, to supply the United States and Canada, and to a lesser extend Europe, with the new demand for bananas. As historian Nick Cullather notes, the success of the agricultural industries "depended on the availability of low-paid or unpaid labor, and after 1900 Guatemala's rulers structured society to secure *finqueros* [plantation owners] a cheap supply of Indian workers. The Army enforced

vagrancy laws, debt bondage, and other forms of involuntary servitude and became the guarantor of social peace" (Cullather *Secret History* 9). As the scope of foreign investment increased, so too did the brutality of Guatemala's leaders who served it. The dictator Jorge Ubico, who ruled from 1931-1944, implemented various laws to force labour and suppress dissent, such as his 1934 vagrancy law, which decreed that all men without "adequate profession" or in legal possession of land were required to work, unpaid, for up to 150 days per year on a plantation; all men who were unable to pay a "commutation fee" were required to work an additional two weeks each year on road construction. Proof of employment or land ownership would exempt one from the provisions of the law, but even when peasants had their own land, they often lacked official property titles. One avenue available to peasants to avoid forced conscription under the vagrancy law landed them in the same situation: they could opt to voluntarily work on a plantation, for which they received a work card from the Plantation Association that exempted them from the vagrancy law, but this "employment" paid next to nothing, and subjected to them to appalling labour conditions. Campesinos who opted for a subsistence agricultural existence of cultivating their own land thus risked arrest. Pre-empting and crushing dissent was done with sheer brutality: not only was the army notoriously ruthless, but Ubico — a wealthy landowner himself — also legalized the killing of indigenous peasants by Ladino landlords (Grandin 38-9).

As noted in Chapter 1, Guatemala was one of several Latin American countries that experienced a rise in democratic, popular movements following the Second World War, seeking to throw off the chains of neo-colonial rule, establish social and economic independence and bring about more just living conditions for the vast majority of the population, who were living as serfs under feudal conditions. Towards the end of the war, unrest had spread throughout the country, and large strikes and public demonstrations were not uncommon. These events

culminated in the "October Revolution" of October 1944, when a military coup led by a man who, several years later, would be elected to the presidency — Colonel Jacobo Arbenz, toppled the ruthless dictator Ubico. Democratic elections were held two months later, and the writer and philosophy professor Juan José Arévalo, who had returned from exile in Argentina to run for office, was elected as the country's first democratically elected president. For the first time in its history, democratic representation had come to Guatemala, and Arévalo was widely heralded as the beacon of hope for millions of impoverished Guatemalans living under conditions of abject poverty and exploitation.

Arévalo inherited a state of stark inequality: the International Bank for Reconstruction and Development reported at the time that 72% of agricultural land was owned by just 2% of the population. Furthermore, much of that land lay fallow — under 1% of it was cultivated. Half of those who did own land had parcels so small that they were unable sustain their families (Gleijeses *Shattered Hope* 36). The largest private landowner in the country was the American banana grower, United Fruit Company, with 566,000 acres of land, worked by more than 15,000 employees (90). In the six years of his presidency, Arévalo, who proclaimed himself guided by principles of "Spiritual Socialism," sought to dismantle some of the core elements of the structural basis of his country's rampant inequality in order to alleviate the suffering and disenfranchisement of the vast majority of the population, and implement a more just and equitable social order. A new constitution was passed, which among other things, abrogated Ubico's vagrancy law. Political parties, previously outlawed, were permitted, although with provisions: they were controlled by the ruling coalition party, PAR (Pardito Acción Revolucionaria). While he did not embark upon a program of agrarian reform, at U.S. Government urging, he did expropriate German-owned plantations, which broke the political-

economic power held by Germans in the region (Grandin 38). Arévalo also invested in education, including the creation of literacy campaigns; he created the country's first social security system; he created public health care programs; he abolished mandatory army service and forced conscription; and he extended voting franchise to people who were illiterate (Harbury *Truth, Torture and the American Way* 33*;* Handy; Immerman).

Labour was also organizing at this time, and in October 1946, workers at a United Fruit plantation at Bananera went on strike, demanding higher wages and better living and working conditions (Gleijeses *Shattered Hope* 94). This was the first strike experienced by the company in Guatemala in over twenty years; the previous strike of United Fruit banana workers had occurred in 1923.[71] At that time, United Fruit executives advised US embassy officials that the work stoppage was not a legitimate expression of workers' grievances, because Bolshevik agitators had manipulated and brainwashed the strikers (92). This tactic, an early instance of the politics of delegitimization, foreshadows strategies that would re-emerge decades later, as labour agitation for better conditions were dismissed as illegitimate and hence worthy of being ignored, resisted or destroyed. As noted, the next chapters and the conclusion argue that there are striking similarities with the strategies currently used by Canadian mining companies and Canadian government representatives in the region to delegitimize those who resist or oppose Canadian open-pit metal mining activities in their midst.

Banana workers were not only striking in 1946, but labour organizations were pushing for new laws that would protect workers' rights. In 1947, the Arévalo administration responded with a new Labour Code. It was modest in scope: strikes were outlawed, but it did give workers basic rights, such as the right to organize into unions for the first time in the country's history

[71] Five years later, in 1928, the company was implicated in the massacre of striking workers in Colombia, which Gabriel García Marquez described in *One Hundred Years of Solitude* (Chapman 3).

(Cullather *Secret History* 11). Despite its modest provisions, according to Gleijeses, United Fruit saw it as "the symbol of its persecution" (Gleijeses *Shattered Hope* 94), and complained that the Labor Code had been influenced by "communistic influences emanating from outside Guatemala" (96). There was not a shred of evidence to support this claim — not then, and not now. While the CIA would eventually intervene to overthrow "communism" in Guatemala, the initial cries of communism in Guatemala did not originate from U.S. intelligence or embassy staff; they came from the United Fruit Company, as a part of its hysterical response to the mild 1947 Labour Code (99). Gleijeses dismisses United Fruit's allegations that Arévalo had persecuted the company: "beyond offering some legal protection to the company's workers, Arévalo did not disturb UFCO's privileges… At the time, however, the company was outraged by the Guatemalans' 'aggressions'" (93). Some of the more outrageous elements of the new labour law that so irked United Fruit, stated that workers could not be summarily dismissed; a complaints mechanism was established to investigate union grievances; and arbitration and conciliation mechanisms were established, which employers were expected to abide by. In the first 18 months of the new labour law, Guatemalan labour inspectors repeatedly found United Fruit to be in violation of the Labour Code, although the total fines levied against the multi-million dollar company were a paltry $690. Nonetheless, Gleijeses argues that United Fruit, with a kind of imperial hubris and sense of entitlement, was more irked by the principle that outside influences were now interfering in its affairs, "even if this interference came from the sovereign government of the land" (103). Cullather concurs, arguing that "United Fruit executives regarded any trespass on the prerogatives they enjoyed under Ubico as an assault on free enterprise" (Cullather *Secret History* 15). Cullather's analysis underscores the ideological basis of United Fruit's hubris, in that "free enterprise," as United Fruit understood it, is implicitly

presumed to be the natural or inevitable model of social and economic order. The next chapter argues that an almost identical ideological basis grounds the politics of delegitimization today, by which subjects who critique and oppose the specific model of mega-mining that Canadians have exported to Central America and beyond, are routinely demonized as subversives who threaten the foundational — and incontrovertible — order of society. That order is permeated by the purportedly unimpeachable logic of neoliberalism.

United Fruit, outraged over the newly-formed labor movement's trespass upon its implicit understanding of its rights, urged the U.S. State Department to pressure Arévalo to repeal the new Labour Code or exempt them from its provisions, and stop its "persecution" of American companies. The U.S. Embassy in Guatemala dutifully took up this task, lobbying the Guatemalan government on United Fruit's behalf. A comparison can be drawn with Canadian government and Canadian mining companies' lobbying and pressuring tactics in countries in the Global South, urging (and at times, outright bullying) governments there to repeal legislation that, in seeking to protect human health and the environment, are seen as unfairly persecuting Canadian mining interests in the region. Pressure is also exerted upon foreign governments to implement investment-friendly laws that protect the mining project and facilitate maximal returns for the company, without any adequate corresponding safeguards to ensure the welfare of the surrounding populations and the environment. Examples of this will be seen in the following chapters.

Voices of reason were not entirely absent in the U.S. government's treatment of Guatemala at the time, although they were evidently far from the majority and powerless to effect policy. A junior official at the U.S. embassy in Guatemala did remark that the new Labor Code is neither radical nor revolutionary (Gleijeses *Shattered Hope* 97), but this did not stop

embassy officials from lobbying the Arévalo administration on United Fruit's behalf to repeal the law. When a lone American official, the labour officer of the Office of Regional American Affairs criticized the U.S. Embassy's support of United Fruit, he was sharply rebuked by Embassy staff. He maintained that the purportedly "discriminatory" elements of the new Labour Code were, in truth, "legitimate in terms of modern thinking," and warned, presciently, that if workers' legitimate aspirations to self-determination and just treatment were ignored, the fruit company could risk eventually facing the same fate that had recently befallen American and British oil companies in Mexico: expropriation. U.S. Embassy officials in Guatemala vehemently disagreed, accusing him of being "way off the beam in his thinking on this matter" (106).

Historians generally agree that the benefits of Arévalo's reforms were mostly experienced by urban-dwelling Guatemalans (with 80% of the population living in the rural areas), and that his reforms were modest, and even timid (Gleijeses *Shattered Hope* 38*;* Cullather *Secret History* 11). Nonetheless, he proved sufficiently threatening to wealthy and powerful sectors, such that despite being highly popular with the vast majority of the population, he was the subject of numerous failed coups attempting to unseat him from office. Arévalo argued that his administration was being targeted with the same deceptive and manipulative tactics that sought to delegitimize one of his political heroes, Franklin Roosevelt. He asserted:

> After 1944, we believed we could work in peace, to do what we could not do in 125 years of slavery. But we were wrong. The *cangrejos*, the crabs, who govern the country from the dark… are trying to overthrow our government elected by the popular will. We will have to do much more to achieve the economic and human liberation of the people. The socialism that guides us is the same that guides all governments that administer for the general good. It is similar to what Roosevelt did, and the bankers called him a communist. (Grandin 40)

Stated in 1946, Arévalo could not have known the extent to which his words would prove to be prescient: his successor, Jacobo Arbenz, would be targeted, and ultimately overthrown, with that very discursive campaign of delegitimization.

Jacobo Arbenz succeeded Arévalo, coming to power in March 1951 as the second democratically elected president in the country's history. Arbenz, a wealthy landowner himself and staunch believer in the sanctity of private property and private ownership of the means of production, had been both publicly and privately building his case for the need for a progressive, social democratic and thoroughly capitalist Guatemala; in his 1951 presidential inaugural address, he pledged that he would work

> to convert Guatemala from a dependent nation with a semi-colonial economy to an economically independent country; second, to transform our nation from a backward country with a predominantly feudal economy into a modern capitalist state; and third, to accomplish this transformation in a manner than brings the greatest possible elevation of the living standard of the great masses of the people. (Keen and Wasserman 439)

He wasted no time in rapidly accelerating the scope of the social reforms that his predecessor Arévalo had been timidly advancing. He granted far greater freedoms to labour unions and political parties, which included repealing a ban on the communist party (the PGT, or Partido Guatemalteco del Trabajo — the Guatemalan Workers' Party). The most extensive reform that he implemented, however, was his agrarian reform initiative — Decree 900, which his government passed on June 27, 1952. Arbenz recognized that Guatemala's immense inequality was borne from millions of landless peasants living in a country with hundreds of thousands of fallow, uncultivated acres on private, largely foreign-owned plantations. Decree 900 set out to solve this problem, empowering the government to expropriate only the uncultivated areas of very large plantations. This land reform policy, which elicited the ire of United Fruit, had nothing to do with nationalizing all privately-held property and means of production, whether foreign-owned or domestic. A communist Guatemala was never on his radar. His land reform

policy targeted only the unused portions of large estates; smaller estates and fully cultivated farms were never subject to expropriation.[72] In introducing Decree 900, Arbenz stated that its purpose was "to put an end to feudal properties in farming areas in order to develop capitalistic methods of production…[and] supply land to farmers having little or none of it" (Bowen 90). Prevailing sentiment in Latin America favoured the reforms, and widely doubted the narrative on communism in which the U.S. discursively constructed them (Holland 322). Even the International Bank for Reconstruction and Development found the reforms to be important for Guatemala's economic development (Gleijeses "Agrarian Reform" 453). The Guatemalan government compensated the owners of expropriated land in the form of 25-year government bonds. The expropriated land was then divvied into plots that were no larger than 42.5 acres and distributed to landless peasants for subsistence agricultural purposes. The land recipients were required to pay a rental fee of 3-5% of the value of the land, and were not given legal title to the land in order to prevent resale to land speculators (Schlesinger and Kinzer 55). The land reforms elicited barely a cry of dissent from much of Guatemala's wealthy land-owning class, as most were not subject to its provisions. According to Cullather, even some U.S. aid officials "considered it moderate, 'constructive and democratic in its aims,' similar to agrarian programs the United States was sponsoring in Japan and Formosa… The proposal aimed not to create Stalinist collectives but a rural yeomanry free of the tyranny of the *finca* [large plantation]" (Cullather *Secret History* 22). The U.S. State Department's Office of Intelligence Research (OIR) also concluded that Arbenz's agrarian reform would only affect a tiny minority of landowners, noting that "if the Agrarian Law is fully implemented, the impact upon private

[72] The law allowed the government to expropriate only the uncultivated areas of estates that exceeded 672 acres, and the uncultivated areas on estates between 223 and 672 acres — and only those estates in which at least 67% of the land lay dormant (e.g. on an estate of 650 acres that had 60% of its land uncultivated, nothing would be expropriated). Farms smaller than 223 acres were never subject to the law, even if they were fully uncultivated. Farms of any size that were fully cultivated were likewise never subject to state seizure (Schlesinger 54).

landholders would be borne chiefly by a minority… of 341,191 private agricultural holdings only 1,710 would be affected" (Gleijeses *Shattered Hope* 152). That means that only 0.5% of land holdings would be impacted by Arbenz's agrarian reforms. The OIR went on to warn, however, that in terms of acreage, that 0.5% of land holdings affected by the reforms comprised more than half of all private property in the country — most of which was owned by the United Fruit Company. Again, this was land that was not being cultivated. Gleijeses maintains that the program constituted "the most successful agrarian reform in the history of Central America. Within eighteen months, the agrarian reform had reached its half-way mark — five hundred thousand peasants had received land without disrupting the country's economy" (380). In this time, 1.5 million acres were expropriated, including 1,700 acres owned by Arbenz himself (Schlesinger and Kinzer 55).

In February 1953, the Guatemalan government expropriated 250,000 acres of unused United Fruit Company land, and offered compensation of just over $1 million. The Guatemalan government compensated the owners of expropriated land at the values that the landowners themselves had declared on their tax returns. United Fruit had always immensely undervalued their land on their Guatemalan tax filings in order to reduce or eliminate their land tax obligations, and were thus compensated at what they argued was a fraction of the actual value of the land. United Fruit promptly claimed the actual value of the expropriated land was near $20 million (Cullather *Secret History* 23). The company, complaining once again that they were the victims of Communism, appealed to the U.S. government to help them get their expropriated property back. The company's public relations representatives, Edward Bernays and Thomas Corcoran, had been working in tandem behind the scenes for years to flood the U.S. with information that might be most accurately described today as psychological warfare: various

strategies were adopted to shape U.S. public opinion, such as lobbying top editors of U.S. newspapers to prominently feature news stories warning of the "communist menace" posed by Guatemala (McCann and Scammell; Bernays *Biography* 761; Osgood 19-22). They also brought American journalists on United Fruit-sponsored junkets to the country, for carefully stage-managed tours of "communist infiltration" in the country (Lehman 196). In an America steeped in the fear mongering rhetoric of McCarthyism and the Cold War, it was arguably an easy sell. Gleijeses notes that,

> if the Congress of the United States mistook the aggressor for the victim, so too did the American press. It had paid very little attention to the country in the Arévalo years. As a result, it had been easy prey for the helpful United Fruit Company representatives. Then came Arbenz. As the "Red Jacobo" became notorious in the United States, journalists began to visit Guatemala more frequently. Many remained ignorant, ethnocentric, and shrouded in Cold War paranoia. (Gleijeses *Shattered Hope* 367)

Alarmed at the prospect of Communism in their "backyard," the U.S. set in motion a plan, designed and orchestrated by the CIA, to overthrow Arbenz and replace him with a conservative Guatemalan military lieutenant, Castillo Armas, whom they felt would be more pliant to accommodating U.S. interests and return the country to the "stasis" found before the 1944 October Revolution (Fraser). Cullather describes the CIA's coup as "an intensive paramilitary and psychological campaign to replace a popular, elected government with a political nonentity" (Cullather *Secret History* 7). That psychological warfare included nightly air raids in which CIA-piloted planes strafed the capital city in the days and weeks leading up to the coup, in an effort to sow confusion and terror amongst the general population (Ferreira 61). The coup itself began with a staged "invasion" by CIA-trained "freedom fighters" — a small group of Guatemalan exiles — who were purportedly "liberating" the country from communism. Five days after Arbenz fell, the U.S. flew their hand-picked new leader, Carlos Castillo Armas, into the country from Fort Leavenworth, Texas, aboard the U.S. ambassador's jet, for his "election"

to the presidency (Acker "Inco in Guatemala" 6). The U.S. publicly referred to the country under its chosen puppet leader as a "showcase for democracy" (Brockett 91).[73] Harbury describes what transpired:

> The CIA armed a ragtag group of military dissidents and organized a violent coup against Arbenz, who was driven into exile. Virtually all of the Arévalo-Arbenz reforms were abruptly cancelled, the peasant co-ops were stripped of their newly acquired lands, and a bloodbath ensued. Thousands of Arbenz supporters — unionists, peasant leaders, and civil rights workers — were either killed or driven from their homeland. There was never again such a progressive government in Guatemala. (Harbury *Truth, Torture and the American Way* 33-4)

It is estimated that 8,000 campesinos were murdered in the first two months following the coup, in terror campaigns that specifically targeted United Fruit union organizers and campesino leaders. The U.S. embassy also gave the new regime lists of "Communists" to be killed or imprisoned, including the members of the Guatemalan Workers' Party (Chomsky 15). America's new puppet ruler, Castillo Armas, promptly reversed the social reforms advanced by Arévalo and Arbenz. Labour unions and campesino organizations were outlawed. Opposition press critical of the new regime was attacked. All cooperatives were eliminated, and teachers working in the countryside as part of Arbenz's adult literacy program were summarily dismissed, as the program of popular empowerment was itself deemed to be a "Communist threat" (Swift 66). Armas' most vociferous reversal of Arbenz's reforms, however, was the eviction of campesinos who had received land under Decree 900. Gleijeses notes that, "by the time Castillo Armas died, in July 1957, he had accomplished, in the words of a close aide, a 'herculean feat':

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[73] Several months after the overthrow of Arbenz, U.S. Vice President Richard Nixon paid an official state visit to Guatemala, and in an event staged by United Fruit Company's PR representatives, he was shown piles of Marxist literature that was said to have been discovered in the presidential palace following Arbenz's flight. He publicly congratulated Armas, stating: "This is the first time in the history of the world that the Communist government has been overthrown by the people, and for that we congratulate you and the people of Guatemala for the support they have given. And we are sure that under your leadership supported by the people whom I have met by the hundreds on my visit to Guatemala, that Guatemala is going to enter a new era in which there will be prosperity for the people together with liberty for the people. Thank you very much for allowing us to see this exhibit of Communism in Guatemala." Speech included in Curtis (2002), Episode 2.

all but two hundred of the 'squatters' — the beneficiaries of Decree 900 — had been chased off the land they had received under Arbenz" (Gleijeses *Shattered Hope* 381). This reference to "squatters" is exactly the same language that Canada's ambassador to Guatemala, Kenneth Cook, used in correspondence in 2008, to refer to indigenous Mayan Q'eqchi' communities who took up residence on unused land that Canadian mining company, Skye Resources, claimed to own; Skye maintains that they had purchased it from Inco, but the local Q'eqchi' assert that the land is ancestrally theirs, and that Inco had received it in 1965 from a murderous military dictator who had "cleared the land" of its original inhabitants in order to make way for Inco's mining activities. Those accusations are borne out in historical record (Grandin; Swift 63-79; McFarlane 122-131). More will be said on this in Chapter 6; the purpose here is to highlight the link that will be more fully drawn out there: Canada's Ambassador Cook invoked the very same discourse expressed in the aftermath of the coup against Arbenz, and in both cases, the discourses serve to delegitimize the ancestral land claims of the local indigenous Mayan populations, in order to privilege the claims (that is to say, discursively construct the legitimacy) of a Northern corporation. In 1957, it was America's United Fruit. A half century later, it is Canada's Skye Resources. The dangers of the ambassador's invocation of the discourse of the "squatter" — a term which automatically invalidates the individual's claim to a parcel of land — can be more fully appreciated in examining the calamitous ramifications of that discursive invocation a half-century earlier.

In March 1954, a few months before the coup that unseated Arbenz, the U.S. hijacked the agenda of the Tenth Inter-American Conference of the Organization of American States (OAS) held in Caracas, Venezuela, to denounce Guatemala and seek multilateral support for its forthcoming intervention in the country to topple the Arbenz government. The conference had

originally been called to discuss hemispheric economic affairs, but the U.S. used the meeting to aggressively push for a broad anti-Communist resolution against Guatemala. The U.S. delegation was headed by the Secretary of State himself, John Foster Dulles, who proposed a resolution declaring that, "the domination or control of the political institutions of any American state by the international communist movement… would constitute a threat [to the hemisphere, requiring] appropriate action in accordance with existing treaties" (Schlesinger 142). Guillermo Toriello, Guatemala's Foreign Minister, responded with a blistering rebuke of the U.S.'s actual motives, unmasking the subterfuge of the resolution, which he called a "campaign of defamation." He declared:

> What is the reason for this campaign of defamation? What is the real and effective reason for describing our government as communist? From what source comes the accusation that we threaten continental solidarity and security? Why do they wish to intervene in Guatemala? The answers are simple and evident. The plan of national liberation being carried out with firmness by my government has necessarily affected the privileges of the foreign enterprises that are impeding the progress and the economic development of the country… With construction of publicly owned ports and docks, we are putting an end to the monopoly of the United Fruit Company... We feel this proposal was merely a pretext for intervention in our internal affairs… They wanted to find a ready expedient to maintain the economic dependence of the American Republics and suppress the legitimate desires of their peoples, cataloguing as "communism" every manifestation of nationalism or economic independence, any desire for social progress, any intellectual curiosity, and any interest in progressive and liberal reforms… President Franklin Roosevelt put an end to this policy [of interventionism] and with him there flourished a new Pan Americanism filled with promise. But it appears that certain United States officials wish to restore that policy that did so much damage. (Schlesinger and Kinzer 143-4)

His address received thunderous applause, with some delegates commenting that his words gave voice to what they would have loved to have said, had they dared. Behind the scenes, however, U.S. officials successfully pressured reluctant delegates of other member states to vote for their "anti-communist" resolution, threatening withdrawal of U.S. "development" aid from any country that dared to oppose it. Ultimately, only Guatemala voted against it. Mexico and Argentina abstained, while the other 16 countries voted in its favour. As Eisenhower later

recalled, "This resolution formed a charter for the anti-communist counterattack that followed" (143).[74]

In being forced from office on June 27, 1954, Arbenz delivered a final radio address to the country, which echoed a sentiment offered by his Foreign Minister at the Inter-American Conference of the OAS a few months earlier. His words also proved to be ominously prescient, and useful for contemplating the present strategies being employed by Canadian mining interests in the country, in order to shore up "social license" for their activities. Arbenz stated:

> Workers, peasants, patriots, my friends, people of Guatemala: Guatemala is enduring a most difficult trial. For fifteen days a cruel war against Guatemala has been underway. The United Fruit Company, in collaboration with the governing circles of the United States, is responsible for what is happening to us... In whose name have they carried out these barbaric acts? What is their banner? We know very well. They have used the pretext of anti-communism. The truth is very different. The truth is to be found in the financial interests of the fruit company and the other U.S. monopolies which have invested great amounts of money in Latin America and fear that the example of Guatemala would be followed by other Latin countries... I have always said to you that we would fight regardless of the cost but the cost should not include the destruction of our country and the sending of our riches abroad. And this could happen if we do not eliminate the pretext which our powerful enemy has raised. A government different from mine, but always inspired by our October revolution, is preferable to twenty years of fascist bloody tyranny under the rule of the bands which Castillo Armas has brought into the country.[75] (Kinzer 145)

A guerrilla resistance movement emerged in response to the crushing rule of the American-chosen puppet ruler, Castillo Armas, and the subsequent dictators who followed, but it would be inaccurate and misleading to propose that they were fighting to turn the country into a communist state, akin to China or Cuba. The brutality and fervour with which the Guatemalan military responded to the resistance movement is difficult to overstate — and all under the banner of "fighting communism." Another Guatemalan politician, former mayor of Guatemala

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[74] It is worth noting that half a century later, the U.S. employed a strikingly similar deceptive tactic with Colin Powell's presentation of phony intelligence on Iraqi chemical weapons to the U.N. Security Council on Feb. 5, 2003, in a bid to shore up multilateral support for the U.S.'s forthcoming invasion.

[75] The text of his address was published in the newspaper, *El Imparcial*, July 28, 1954.

City, Manuel Colom Argueta, understood clearly that the roots of the terror that had befallen his country were not merely political, but discursive. He stated:

> McCarthyism unleashed an internal inquisition and a changed foreign policy: support for political democracy and economic development for the majority of the countries of Western Europe [but] the strengthening of fascist and conservative dictatorships in Latin America and other regions of the world under the pretext of continental security against communism. If the economic and social reforms made in Guatemala generated sympathy among the peoples of Central and Latin America, many dictatorial governments frightened by the Guatemalan experiment and favoured by the Cold War unfurled the banner of anti-communism to use all means to combat the Guatemalan regime. (Colom Argueta)

He stated this in 1977, and while over twenty years had passed since the overthrow of Arbenz, the country was still firmly in the grip of terror that it produced: he was assassinated several years later, for publicly giving voice to these and other similar analyses.

The effects of these discourses — what both Arbenz and Manuel Colom Argueta accurately referred to as pretexts for imperial aggression and the consolidation of power — should not be underestimated. Former Guatemalan soldier Cesar Ibanez took part in a massacre in the village of Dos Erres on December 6, 1982, in which the entire village was destroyed. Over 200 people were killed. Most of the girls and women were raped first. Many of the babies and young children were beaten to death before their parents' eyes. There were no guerrilla fighters, nor any weapons, in the village. In a 2012 interview, Ibanez explained the mentality of his platoon as they entered: "Well, we were expecting that they were going to shoot at us because we thought that the people in Dos Erres were all communists. And so were expecting them to attack us. We were waiting for them to attack us with heavy armament. And it didn't happen. Nobody shot at us" (Nosheen et al.). The massacre, tragically similar to hundreds of others that occurred, happened under the presidency of the military dictator, and born-again Pentecostal evangelist, General Efraín Ríos Montt, who was outspoken about the need to rid the country of its "communists." His efforts were celebrated and supported by U.S. President Reagan, whose

administration lavished military aid and training upon the genocidal Guatemalan military. On December 4, 1982, two days before the massacre at Dos Erres, Reagan met with Ríos Montt in San Pedro Sula, Honduras. For months, Amnesty International had reported widespread accounts of massacres being perpetrated since Montt had taken power earlier that year. Nonetheless, in public remarks, Reagan effused that, "President Ríos Montt is a man of great personal integrity and commitment… I have assured the President that the United States is committed to support his efforts to restore democracy… I know he wants to improve the quality of life for all Guatemalans and to promote social justice. My administration will do all it can to support his progressive efforts" (Reagan).[76] Reagan was referring to Montt's anti-communist "counterinsurgency" campaign which promised to "scorch the earth," which involved destroying villages accused of supporting or harbouring the "communist" rebels.

While the U.S. was funding, training, and even guiding the campaigns of torture and terror inflicted upon the general population, the actual material harms were almost invariably inflicted by Guatemalans.[77] The sheer scope of the horror of some of the atrocities committed — entire villages of men, women and children massacred in cold blood, screaming children thrown into wells alive, wailing babies plucked from their mother's arms and crushed to death before their mother's eyes — leave one incredulous. In March 1983, New York lawyer and Americas Watch human rights delegate Stephen L. Kass reported the chilling accounts of Guatemalan refugees fleeing the horror being inflicted upon them:

> We were told again and again of government soldiers, in uniform, arriving at a village, rounding up men and women and shooting them. But they apparently don't waste bullets on children. They pick them up by the feet and smash their heads against a wall. Or they

[76] Full text of Reagan's speech available at the Ronald Reagan Presidential Library and Archive, available at http://www.reagan.utexas.edu/archives/speeches/1982/120482f.htm (accessed 6 January 2013).

[77] Harbury (2005 & 1997), however, has documented numerous victims of torture at the hands of the Guatemalan military, who testify that overseeing and directing their torture was an English-speaking American.

> tie ropes around their necks and pull them until they are strangled…We were told this kind of thing over and over along the border. We were told it by men, we were told it by women, we were told it by children — at different places, by people who could not have known each other.[78] (A. Lewis)

The refugees attested that children were being "thrown into burning homes. They are thrown in the air and speared with bayonets. We heard many, many stories of children being picked up by the ankles and swung against poles so their heads are destroyed" (Associated Press). The killing was as thorough as it was indiscriminate; the refugees told Kass and his colleague that:

> Any village regarded by the local army commander as not firmly supportive of government efforts to destroy subversion is regarded as subversive itself — and, as such, a free-fire zone… When survivors from these villages try to live in the hills, the army destroys their crops. We heard that repeatedly, again from many different people. Helicopters are used to patrol the tillable areas and fire on people who try to grow things. (A. Lewis)

In response to reports such as these, Ríos Montt, who claimed throughout his presidency to be aiding democracy in the country, defended his murderous campaign by stating, "we have no scorched earth policy. We have a policy of scorched Communists."[79] Judging by the actions of the thousands of soldiers like Cesar Ibanez, who likewise justified their brutality with the rhetoric of combating a force that seeks the destruction of the country, Montt was not alone in his pride at bringing "democracy" to the country by ridding it of the "communists" who threatened it. Interviews with Guatemalan soldiers often reveal how deeply internalized the hegemonic discourse on "communism" had become, making it impossible for verified accounts of army massacres to penetrate into the psyche of the soldier. While numerous examples could be cited, one shall suffice: in 1984, Alison Acker interviewed an eighteen-year-old Guatemalan sergeant, Lorenzo Mejía, asking if he felt any remorse over the people he had killed. He replied that he

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[78] Kass and Robert L. Goldman, professor of international law at American University, interviewed Guatemalan refugees in southern Mexico.

[79] "Guatemala Vows to Aid Democracy." *The New York Times*, December 6, 1982.

had no problems with "killing terrorists. We've got to eliminate them. They've killed thousands of peasants. They are Communists and they want to take over the country. They don't believe in God…There are Cubans and Communists everywhere" (Acker *Children of the Volcano* 35). Acker notes that she challenged Mejía on the accuracy of his assessment of the situation in the country, and confronted him with accounts such as those reported by Kass above, or as she states, with "verified accounts of Guatemalan massacres: stories of children bayoneted, peasants burned alive, and villages wiped out…of army commanders competing in the number of peasants their men killed in a week" (35). Mejía promptly rejected Acker's factually accurate representation of the situation in the country, dismissing it as "Communist lies. You must be mad to believe that" (35). On releasing the report of the UN-sponsored Truth Commission (CEH) in February 1999, commission coordinator Christian Tomuschat warned of the blinding, dehumanizing effects of the discourse on Communism that justified the army massacres. He stated:

> The commission's investigations demonstrate that until the mid-1980's, the United States Government and U.S. private companies exercised pressure to maintain the country's archaic and unjust socio-economic structure… believing that the ends justified everything, the [Guatemalan] military and the state security forces blindly pursued the anti-Communist struggle, without respect for any legal principles or the most elemental ethical and religious values, and in this way, completely lost any semblance of human morals.[80]

Diplomatic discourses from the era tended to divide the world into a simple binary of good versus evil — the "prophetic dualism" of Cold War rhetoric that served to stifle debate and silence nuanced positions, and with catastrophic results (Streeter ¶12). The same extreme polarization can be seen in discourses surrounding those who support and oppose Canadian mining in the Americas: those who support these activities are discursively constructed as

[80] Excerpts from Tomuschat's statement appeared in "The Atrocity Findings: 'The Historic Facts Must Be Recognized.'" *New York Times*, 26 Feb 1999, p.A10.

rational actors who wisely accept a beneficial model of development; those who oppose Canadian mining activities in the region are discursively constructed as illogical, fanatical, immoral and dangerous subjects who threaten the "greater good." The similarities with Cold War discourses on communism are striking, both in terms of the characteristics of the discourses and their implications: the construction of an imaginary, essentialized, homogeneous enemy, who then becomes demonized and scapegoated as a threat to the collective, is a tragically effective strategy to galvanize people's energies towards a common cause. The fact that there is often no basis in reality for the claims of the existence of this homogeneous, universal enemy does not diminish the potency or efficacy of these claims; rather, it illustrates the power of hegemonic discursive constructs in thoroughly constituting world-views that become impervious to rational critique. This process of galvanizing a population by demonizing a constructed scapegoat worked in Nazi Germany, it worked in Guatemala during the internal conflict, it worked in Rwanda in 1994, and it is now the very same strategy being put to work to advance Canadian mining interests in the region today. The conclusion will briefly reference a number of social justice activists in the region who have been assassinated for their outspoken resistance to Canadian mining activities in the region. Given the stakes involved, it may be shocking to hear, as noted in the prologue, a senior staff member at the Canadian embassy in Guatemala City authoritatively declare that the reason for local resistance to Canadian mining in the region is that the poor, ignorant and illiterate campesinos have been effectively manipulated by shrewd, "anti-mining activist" agitators who have spread fear into people's hearts by spreading the ridiculous lies that Canadian mining will bring AIDS and unleash lake monsters. The preposterous content of her assertions, however, is not as alarming as the fact that she would make them in the first place; it is not nearly as alarming as the dangers involved in making these claims, and circulating

the discourse on the manipulative, deceitful, destructive "anti-mining activist" who is out to destroy the poor Guatemalans' "development" opportunities. The next chapter looks more closely at this particular discursive construction, and examines its deployment to delegitimize those who resist Canadian open-pit metal mining in the region.

The Power of Hegemonic Discourse

While this chapter argues that the discourse of Arbenz as a "communist threat" was but a ruse or pretext by which the U.S. justified its orchestration of a coup d'état to remove him from power and replace him with a pliant puppet leader, it should be noted that there is some debate amongst historians as to the role that communism played in the overthrow of Arbenz (Streeter). Streeter (2000) notes disagreement between one group of scholars who argue that communism was but a pretext to advance a project of American economic imperialism, and that the true motive behind the coup was to protect the United Fruit Company's monopolistic hold on land, transportation and shipping infrastructure. A second group of scholars agree with the first that Arbenz did not actually constitute a communist threat, yet rather than arguing that communism was wittingly deployed as a cunning ruse to advance economic imperialism, they maintain that the architects of the coup in Washington likely genuinely believed the anti-communist propaganda that they were espousing; rather than approaching the coup as a conniving conspiracy to secure U.S. commercial interests, they downplay the influence of United Fruit and explore the cultural and ideological milieu that led to such warped perceptions in Washington, leading to genuine beliefs that Guatemala could indeed become a "Soviet beachhead" in "America's back-yard." The difference between the two schools ultimately comes down to an interpretation of the belief of those who plotted the coup against Arbenz: historians aligned with the first school are more likely to interpret the coup's plotters as cunning, deceptive,

manipulative conspirators, who knew full well that they were lying in order to advance the financial interests of United Fruit; historians aligned with the second school are more likely to interpret the coup's plotters as mistaken — as people with possibly good intentions, who were not being deceptive to protect an American banana corporation (in fact did not really care about the banana company), but rather sincerely wanted to protect U.S. "national security," and in so doing, made an honest mistake due to their failure, or inability, as Streeter offers, "to grasp that [Arbenz] represented a nationalist rather than a communist" (Streeter ¶3).

It is true that this is not a history dissertation, which one may feel is a more appropriate venue for entering a debate amongst scholars interpreting the coup against Arbenz. However, there are two main reasons why this dissertation considers this a moot debate, and furthermore, why examining why that is so will prove useful for establishing the framework for the analysis to come in the next chapter. First, the debate becomes moot when once considers the extent to which United Fruit's public relations representatives Thomas Corcoran and Edward Bernays worked tirelessly to flood the U.S. with stories about the "communist menace" posed by the Arbenz administration, and the threat that he thereby posed to U.S. national security. Bernays and Corcoran were shrewdly aware that their client's land in Guatemala could not be defended without U.S. government intervention, and this intervention depended upon the successful deployment of the discourse of Arbenz as a communist menace, in order to galvanize U.S. public opinion against him — in both the general public as well as with policy-makers in the Eisenhower administration. Toward that end, they deployed many of the tactics that Bernays became famous for, such as manipulating the narrative that appears in the mainstream press.[81]

[81] Bernays originated many of the techniques of public relations that are so ubiquitous today they are seldom noticed. Rather than investing in advertisements — of which he felt the public was understandably wary — he pioneered the use of product endorsements by "experts" or celebrities whose testimony he rightly understood to be persuasive, and could translate into increased consumption. His manipulation of the American press for United

The merits of a debate between the two schools of interpretation becomes less significant when one considers that it was the United Fruit Company's public relations campaign that significantly assisted in the branding of Arbenz as a communist menace, which ultimately inspired the covert action that the U.S. took against him.[82] Furthermore, the first U.S. official to bring the matter to Congress' attention in early 1949 was Republican Senator from Massachusetts, Henry Cabot Lodge Jr., whose family was a major stockholder in United Fruit (Lehman 196).

The second reason why this is a moot debate is that drawing a clear distinction between economic interests and so-called "national security interests" is to ignore that during this time, discourses on communism, U.S. national security and threats to American private commercial interests frequently coalesced (Lehman 201). "National security," in fact, was often interpreted

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Fruit, in order to paint Arbenz as a communist, was actually a strategy that he had practiced for decades: one of his first campaigns of this nature was in 1929, for the American Tobacco Company. Company president George Washington Hill enlisted Bernays to help sell cigarettes to women; a prevalent social taboo against women smoking had been keeping tobacco companies from exploiting half of their potential demographic. Bernays promised to break the taboo. After consulting with a psychoanalyst, he concluded that cigarettes represent the phallus and that any attempts at inducing women to smoke must heed this unconscious association. He hired a group of fashionable young debutantes, whom he directed to attend New York's Easter Day parade with cigarettes hidden in their garters. On cue from Bernays, they were to retrieve, light, and smoke them in the street. The women were hired actors, and unbeknownst to them, were part of a larger script that Bernays had developed. He notified journalists from the country's major news organizations that he could offer them a story that would be guaranteed to attract audiences: he advised them that he had been informed that during the Easter Day parade, a group of young suffragettes would be staging a protest against patriarchal domination of women. He told the journalists that these young liberationists felt that the oppression of women was exemplified by the prevalent stigma against women smoking, and thus had decided to publicly light cigarettes in broad daylight during the parade. Sensing the attention-grabbing power of a pithy slogan, Bernays billed the cigarettes "torches of freedom." With journalists eagerly assembled at his designated meeting point to witness this scandalous display of defiance, the debutantes marched up as directed, and on cue from Bernays, retrieved and lit their cigarettes. The story became front-page news around the United States and beyond, with the narrative coming directly from the script provided by Bernays: these young activists were lighting their "torches of freedom" to protest against women's disempowerment under male domination. This narrative proved to be extremely potent and seductive, and cigarette sales to women skyrocketed almost immediately. Of course the women themselves were doing nothing of the sort — they were hired props in a spectacle that was carefully stage-managed by Bernays. Furthermore, the material reality of cigarettes and the effects of their consumption has nothing to do with liberation; if anything, the opposite is true. Planting stories in the U.S. press depicting Arbenz as a communist menace is but another instance of this deceptive strategy, whereby a distorted version of reality is presented with a powerful and seductive narrative, inducing a strong emotional response amongst many of those who encountered it (see Bernays *Biography*; Ewen).

[82] This is the interpretation of the historical literature that this dissertation defends, but others may disagree, arguing that United Fruit's PR initiatives were not actually a significant force in shaping the paranoid fears of officials within the Eisenhower administration who plotted the coup. As measuring or quantifying the effects of discursive deployments is ultimately impossible, this may be an irresolvable issue.

in economic terms, or as Lehman notes, during the Cold War, "instability threatened national security by destabilizing the existing global system and endangering strategic resources and markets" (Lehman 188). National Security Council document NSC 5432 from September 3, 1954, states that the U.S. objectives in the region include "the reduction and elimination of the menace of internal Communist or other anti-U.S. subversion," which is followed by another clearly-stated objective: the "adequate protection in Latin America of, and access by the United States to, raw materials essential to U.S. security." The document further asserts that Latin American governments should "base their economies on a system of private enterprise and, as an essential thereto, to create a political and economic climate conducive to private investment, of both domestic and foreign capital, including… opportunity to earn and in the case of foreign capital, to repatriate a reasonable return" (Bowen 98).[83]

Nonetheless, even those officials who may have firmly believed, despite the lack of any evidence, that Guatemala could serve as a launch point for a Soviet military invasion of the U.S., warrant analysis of what underlies that conviction; doing so would echo a critique from Chomsky, who argues that imperial leaders almost invariably "come to believe the propaganda they produce in an effort to justify brutal and murderous acts undertaken in the interests of dominant domestic forces" (Streeter ¶13). This, however, does not diminish their crimes. That is to say, even if the plotters of the coup actually believed that Guatemala under Arbenz constituted a threat to U.S. national security, the fact that that belief is belied by the reality at the time makes the distinction between "national security" and U.S. economic interests somewhat insignificant. Furthermore, attempts at determining the extent to which subjects may be aware of the deception that lies at the heart of the propaganda that they advance is a project doomed to

[83] The document is available at http://history.state.gov/historicaldocuments/frus1952-54v04/d12 (accessed 14 March 2013).

failure; for the most part, it would be impossible to glean the extent to which one may be a cunning, witting conspirator, or a dupe who enthusiastically regurgitates hegemony that is rooted in woeful ignorance. It may indeed be the case that many who advocated Arbenz's toppling did so with firm conviction in the rightness of the cause; if anything, however, that merely points to the potency (and hence danger) of discursive constructs such as the "communist menace" or "anti-mining activist." The relevance to this dissertation, then, is to underscore that this is precisely how hegemonic discursive constructions operate: despite often being potentially grotesque distortions of a given situation, hegemonic representations are often deeply held convictions that can be exceedingly difficult to notice, as one is so close to them, and reaffirming their 'naturalness' through daily repetition, that they become accepted as the natural order or reality. Williams (1980) argues that this is the key to understanding the operation of hegemony, as he argues:

> Hegemony supposes the existence of something which is truly total, which is not merely secondary or superstructural, like the weak sense of ideology, but which is lived at such a depth, which saturates the society to such an extent, and which, as Gramsci put it, even constitutes the substance and limit of common sense for most people under its sway… in any society, in any particular period, there is a central system of practices, meanings and values, which we can properly call dominant and effective…which are not merely abstract but which are organized and lived. That is why hegemony is not to be understood at the level of mere opinion or mere manipulation. It is a whole body of practices and expectations; our assignments of energy, our ordinary understanding of the nature of man and his world. It is a set of meanings and values which as they are experienced as practices appear as reciprocally confirming. It thus constitutes a sense of reality for most people in the society, a sense of absolute because experienced reality beyond which it is very difficult for most members of the society to move in, in most areas of their lives. (Williams "Base and Superstructure" 37-8)

The next chapters deconstruct the discourses of delegitimacy advanced by Canadian mining executives and Canadian ambassadors to Guatemala, who claim that people resisting the harms caused by Canadian mining activities in the region are actually bent upon destroying the development opportunities of the nation. In contemplating these articulated positions, readers

may find themselves wondering if these individuals truly believe the discourses that they are advancing, and may wonder if perhaps their positions are but examples of whitewashing — of knowingly distorting a situation in a strategic way, and advancing this deceptive narrative so as to achieve a desired end. Readers may find themselves engaged in the type of debate that has split historians contemplating the invocation of communism to overthrow Arbenz, and may wonder if the Canadian ambassadors and mining executives in the region, whose discourses are analysed in the following chapter, are knowingly presenting a false narrative in order to advance the economic interests of the Canadian mining companies, or if perhaps they actually believe the discourses they espouse, of "anti-mining activists" threatening Guatemala's collective development. This dissertation argues that such contemplation is often fruitless: one will most likely never be able to determine if certain actors firmly believe the hegemonic representations they advance (in line with Williams' understanding, above), or if they slyly offer that discourse as part of a witting con. The task that this dissertation seeks to take up is to unmask how inequitable distributions of power are advanced with strategically formulated, and misleading discursive constructions — regardless of whether those who advance those misleading discursive constructions are themselves misled and come to believe them. The hope of this chapter — beyond outlining the discursive and political history from which the events of the next chapters emerge — is also to demonstrate the power of hegemonic discourse, and the importance of unmasking its operation in the defense of Canadian mining interests in the Americas and beyond.

Thousands of Guatemalans fought and died, some of whom, like Manuel Colom Argueta, the former mayor of Guatemala City mentioned previously, going to great pains to clarify that the U.S.-backed war against Guatemala had little to do with communism — that that was but a pretext, or a banner behind which imperialist domination was advanced and achieved, and all in

the name of bringing "freedom" and "democracy" to the country, as noted previously. The fact that a *New York Times* journalist, almost 35 years later, would then seemingly blindly advance the pretext of "anti-Communism" without acknowledging the widely-available record of historical scholarship that debunks this particular mythology, is alarming at the very least, and symptomatic of the blinding power of hegemonic discourses. One of the efforts at debunking that hegemonic narrative came from one of the CIA case officers involved in the 1954 coup against Arbenz: in 1986, Philip C. Roettinger published an account of his role in the coup, and a critique of his country's "anti-communist" initiatives in Central America. He was writing at the height of Reagan's campaign of funnelling money and military support toward so-called "anti-communist" wars in Guatemala, Nicaragua and El Salvador, and proclaiming that it was too painful for him to watch a bloody history of deception repeat itself so smoothly thirty years later, he stated that he felt compelled to speak out. He began his account with a description of the days leading up to the coup:

> It is night and we are encamped in a remote area. A ragtag group rests around a fire. They are rebels, trading war stories and laughingly planning what they will do when they take over the capital. Uninterested in social reforms and untouched by ideological conviction, they haven't heard the President of the United States describe their mission as "preventing the establishment of a communist beachhead in the Western Hemisphere." They just want to overthrow the government… As a CIA case officer, I trained Guatemalan exiles in Honduras to invade their country and oust their democratically elected president, Jacobo Arbenz… I now think my involvement in the overthrow of Arbenz was a terrible mistake. The reasons the Eisenhower administration gave were false; the consequences were disastrous. In March 1954, three months before we toppled Arbenz and installed Colonel Carlos Castillo Armas, our handpicked "liberator," CIA director Allen Dulles convened his Guatemalan operatives at Opa Locka Marine Air Base in Miami for a pep talk. Seated in front of us, resplendent in a tweed sport coat and puffing his pipe, Dulles exhorted us to do our jobs well and told us the same lie Ronald Reagan is telling the American people today: the purpose of U.S. support for the rebels is to stop the spread of communism. But communism was not the threat we were fighting. The threat was land reform. Fulfilling a pledge to transform Guatemala into a "modern capitalist state," Arbenz had taken over some unused land belonging to the United Fruit Company. The Boston-based company, which considered its rights superior to those of Guatemalans, retaliated with a publicity campaign to paint Guatemala red… "Operation

> Success" was a failure. The new regime burned books. It disfranchised three-fourths of Guatemala's people. It dismantled social and economic reforms such as land redistribution, social security, and trade-union rights. Our overthrow began thirty-one years of repressive military rule and the deaths of more than 100,000 Guatemalans… The coup I helped to engineer in 1954 inaugurated an unprecedented era of intransigent military rule in Central America. Generals and colonels acted with impunity to wipe out dissent and amass wealth for themselves and their cronies… It is painful to look on as my Government repeats the mistake in which it engaged me thirty-two years ago. (Cullather *Secret History* 171-2)

Unmentioned by Roettinger is how the discourses and techniques developed by the CIA to overthrow Arbenz in 1954 formed the blueprint for U.S. interventions in the region over the next twenty years, from Cuba, Brazil and the Dominican Republic in the 1960s, to Chile in 1973 (Cullather *Operation PBSUCCESS* 117). Nonetheless, this dissertation understands his admission as indicative of having come to recognize a hegemonic representation as a reflection of particular vested power interests, and not a reflection of "reality." The fact that many of the other key players in the coup against Arbenz may have genuinely believed the ruse of anti-communism, as well as the fact that subsequent generations may have also been successfully misled by this ruse, certainly does not give license to parrot the inaccurate proposition that the coup against the government of Jacobo Arbenz nor subsequent civil conflict had anything to do with fighting communism. If anything, the enduring, pervasive nature of this belief points to the effectiveness of this propaganda, which only redoubles the responsibility of journalists and scholars to set the record straight. This ethos will pervade the next chapter's discursive analysis of the hegemonic constructs offered by mining executives and Canadian ambassadors: what is important is not attempting to glean the extent to which they may or may not believe these narratives; it is more important to unmask how they offer inaccurate, distorted presentations that serve to advance an inequitable and unjust distribution of power and resources, and all in the name of "defending democracy and development."

Before closing, there is one final link to stress between the overthrow of Jacobo Arbenz and the current regime of governmentality advancing Canadian open-pit metal mining in the country today. It may, in fact, be the most important, and perhaps the most alarming similarity between the two. Those historians who do downplay the role played by United Fruit in fomenting the CIA-orchestrated coup, point to fears within the intelligence agency that the Guatemalan populace was becoming mobilized under Arbenz. Nicholas Cullather (2006), for instance, who was hired by the CIA in 1992 to write the agency's official account of the operation (the CIA then kept the report classified for five years), concluded that the agency feared that the land reform movement was galvanizing the masses towards popular self-empowerment (Cullather *Secret History*). Piero Gleijeses (1991) argues that the real threat posed by the Guatemalan Communist Party was not that it was imposing workers collectives (it was not), but that it was one component of a larger, national movement of citizens participating in creating the conditions in which they live out their lives. Gleijeses argues that, "Jacobo Arbenz provided Guatemala with the best government it has ever had… Decree 900 brought more than land to the poor: it broadened political freedom in the countryside. Serfs were becoming citizens" (380-1). In other words, the real threat in Guatemala in the late 1940s and early 1950s was not communism at all; it was democracy. The struggles of the resistance movement were not to implement a communist state, but to achieve economic and social justice. Furthermore, members of the Eisenhower administration who orchestrated and oversaw the coup evidently feared the precedent that the Guatemalan social justice movement might set, causing a spill-over effect into neighbouring countries. In a December 1953 correspondence from the U.S. Embassy in Guatemala to the U.S. State Department, one official warned that,

> Guatemala has become an increasing threat to the stability of Honduras and El Salvador. Its agrarian reform is a powerful propaganda weapon; its broad social program of aiding

> the workers and peasants in a victorious struggle against the upper classes and large foreign enterprises has a strong appeal to the populations of Central American neighbors where similar conditions prevail. (Gleijeses *Shattered Hope* 365)

Cullather (2006) aptly expresses the fear that such a movement may have instilled in those who may be deeply invested in maintaining the existing inequitable distributions of power and wealth in Guatemala. He notes that,

> conservatives feared the program would release the Indians' suppressed hunger for land, with unpredictable consequences for *ladinos*. Historians have recently described Decree 900 as a moderate, capitalist reform, but in 1952 few local observers saw it as anything other than an attack on the wealth and power of Guatemala's propertied elite, and by example, on the social order of the region (Cullather *Secret History* 22).

It is in this regard that this dissertation argues that today's mining conflicts in the region actually mirror and indeed emerge from the events of Guatemala's internal conflict — both politically and discursively. The next chapter largely focuses on today's discursive delegitimization of a very powerful democratic movement that has emerged in the country since Goldcorp's open-pit Marlin mine opened: communities assemble and hold *consultas populares* (community plebiscites) in which they vote on whether they want open-pit metal mining in their region. As noted earlier, over half a million people have participated thus far, with the average 'no' vote at 99%, as people are alarmed and upset at the harms brought by the industry. They often argue that they have something entirely different in mind when they think of their "development," and use the consultas as one avenue to express those aspirations towards self-empowerment and self-determination. Goldcorp and Canadian government representatives, however, have routinely delegitimized these democratic practices, and the next chapter discursively analyses how they do that. Goldcorp has also successfully petitioned Guatemala's top court to declare the consultas illegal. The parallels with the invocation of the discourse on "communism" to overthrow Arbenz in 1954 are striking: the danger, in both cases, was never

the threat that it was discursively signified as (communism, radical anti-mining activism). The danger, in both cases, is democracy.

CHAPTER 5

Consultas Populares and the Politics of Democratic Participation

After the pro-mining "protest march" analysed in Chapter 3 had made its way to the Congressional building and the petition was delivered — a petition demanding a rejection of the proposed moratorium on new mining concessions until the matter could be studied more thoroughly, one of the organizers of the march, mining engineer Jorge Luis Ávalos, explained the purpose of the demonstration: "We would like many, many more mines. And if we can achieve increased benefits for the country, well, perfect. But this is something to be talked about, discussed and negotiated, but not an irrational opposition to mining."[84] His appeal to "rational dialogue" and his discrediting of those who oppose mining activities as "irrational," is revealing. It reflects the hegemonic discursive construction of those who support all mining activities as reasonable and rational advocates of the nation's "development," and those who may pointedly oppose Canadian open-pit metal mining as illegitimate partners in the project of national development. In fact, in their irrational opposition, they are said to threaten that project of national development.

Several hours later, I interviewed Eduardo Villacorta, Goldcorp's Executive Director for Central America, and asked him about the march.[85] His response was equally telling. He claimed that people are generally fed up with those who "oppose mining," and suggested that the march spontaneously emerged from that frustration, via grassroots mobilization. He stated:

> People is up to here [draws an imaginary line on his forehead] about listening to all the opposition groups just saying no, and they don't understand that there more than 14,000 families actually living from mining. Not only from us — we're talking about the nickel

[84] Personal interview, August 10, 2006. This interview is featured at the end of the short clip of the march, available at: http://www.youtube.com/watch?v=Dye7Ke4JLYg (accessed 30 January 2013).

[85] At the time of the interview he was working for Glamis Gold. Glamis was purchased by Goldcorp several months later, in November 2006.

> company, we're talking about Cementos Progresos, the cement company, we're talking about Agregua, which is sand and gravel — so it's mining. And I can tell you, I think I'm being conservative here, there's more than 14,000 families that are living from mining. So actually it is my understanding that people is up to here [again draws an imaginary line on his forehead].[86]

Like the banners from the previous chapter that conflated conventional mining with the new, chemical and water intensive open-pit metal mining process that Goldcorp employs and that has engendered so much opposition, Villacorta's discourse likewise erases the distinction between his own company's controversial mining method and the less problematic modes of mining that have long been established in the country. Doing so occludes the specific concerns that those who resist have been articulating regarding the Canadian company's gold mining practices; it discredits their position by implying, falsely, that they oppose *all* mining.

He explained that, "our employees came in and told us we want some support to go and present our case to the president and to Congress. And we said yes. We actually gave them the transportation. But it has been organized by a network being formed."[87] When asked if his company had paid people to participate in the march, he flatly stated that they had not (although in an interview the following day, James Schenk, Sustainable Development Manager for the mining company, suggested that the company provided the miners who had participated in the march with their daily wage, as well as free transportation and meals. He said the company brought in twelve busloads of people, filled with both miners and their family members. He stated that the company provided the miners' family members with the same complimentary food and transportation, but were not paid). When told that the march appeared to be carefully

[86] Personal interview, Goldcorp offices, Guatemala City, August 10, 2006. Video and transcript on file with the author.

[87] When asked about this network, he replied: "My understanding is it's a larger group; it's not just people from San Miguel [Ixtahuacan — the municipality where their Marlin mine resides]. My understanding is it's people from all the companies that I've mentioned to you. The cement company, the nickel company, the sand and gravel company, those guys. And those guys are the ones who are forming that network to support mining. For them, it's their food. They cancel mining, no tortillas for them."

choreographed with professionally produced signs, with some groups of participants wearing the same hats and shirts, and some participants indicating that they had been paid, Villacorta retorted that those tactics are actually employed by "the opposition." He stated: "if you see the marches that the opposition are programming, they're a lot — I didn't see [today's march], but [the opposition marches are] exactly what you're saying: people being paid to come and say no or yes, bottles, water, hats. You're actually describing what the antis do. I don't understand that."

Some may argue that Villacorta's position merely reflects an unfortunate reality that besets the Marlin project — that as one group of scholars note, it is rooted in "parties already entrenched in positions of mutual distrust" (Fulmer, Godoy and Neff 109). This dissertation does not dispute the existence of an organized movement that opposes the current model by which Canadian-owned mining companies are operating in the country; rather it proposes to discursively examine how that resistance movement is made meaningful, and in particular, how specific discursive constructions advanced by mining companies and their advocates operate to legitimize the mine and delegitimize their critics. In this regard, Villacorta's position on the staged mining march is also telling. In his reference to "the antis," his discourse essentializes and homogenizes those who oppose or resist Goldcorp's activities: they all not merely "anti-mining," but "anti-development" as well. At another point in the interview, he referred to one of the sources of opposition to the mining company's activities — Guatemalan environmental NGO, Madre Selva — as "anti-mining," and explained what that entailed, stating: "There is an environmental group here, and they're not only opposed to mining, they're opposed to CAFTA. They're opposed to whatever represents wealth and development. It's an NGO. There are also big groups of individuals that are opposed to development." When asked why they would oppose "whatever represents wealth and development," Villacorta promptly replied that he had

"no idea" — suggesting, in his tone and body language, that not only does he not know why one might "oppose development," but that such a stance is utterly irrational, and hence asking why one would oppose development is asking for insight into the unknowable.

Madre Selva, however, has never taken a stance that opposes "whatever represents wealth and development." They have been careful to articulate specific concerns with the manner in which specific enterprises, such as Goldcorp's open-pit Marlin project, are operating, and the ensuing health and environmental harms.[88] By suggesting that they oppose "whatever represents wealth and development," and conflating Goldcorp's highly problematic open-pit metal mining with the far less controversial sand and gravel quarries, Villacorta deploys what this dissertation posits as the antithesis of the dialectic by which his company seeks to shore up "social license" for their activities: those who critique and oppose the company's activities are brandished and essentialized as illogical, radical and threatening forces.

In contrast, the company is discursively constructed as calm, peaceful and rational, and at various points in the interview, Villacorta indicated how his company is always open to dialogue. When asked if he thought there might be any legitimacy to some of the concerns expressed about environmental and health impacts resulting from his company's operations, he dodged the question to further discredit the "opposition," stating:

> Not from the fanatics and the people who are just saying no, period. One characteristic from Glamis is that we're always open to dialogue. It's part of my job, it's part of the vice-president's job here, and even the president of the company, it's always open to dialogue. So if you have a constructive dialogue, even if it's opposing the mine, you will find the open door of the company here. Always. Always. If you said hey, I need to talk about your project, I don't like this — and that has happened a lot in Guatemala, and we have opened the door, come on in, and we'll show you what we're doing. And that has actually helped us a lot, keeping that position. We're not a company that says no to dialogue. In fact it's the other way… So the philosophy of the company: if you have constructive issues, if you have legitimate concerns, come on in, let's talk about it.

[88] See http://madreselva.org.gt

This dissertation does not claim to presume what Villacorta truly believes, nor will it attempt to tease out a potential gap between his official position, as expressed in this interview, and what he may sense to be true but would dare not express. As argued in the previous chapter, assessing such a gulf is neither possible nor relevant. Regardless of whether he believes this position or not, his statement is highly problematic. First, residents of Honduras' Siria Valley, such as those featured in the accompanying documentary *All That Glitters Isn't Gold*, speak of the frustration they have experienced in being repeatedly and consistently stonewalled by the company, which denies any involvement in the health and environmental concerns that the Honduran villagers attribute to the mine. Perhaps the company considers them the "anti-mining fanatics" who are not worthy of engaging in dialogue. Furthermore, when Goldcorp has been confronted by independent scientific studies that have irrefutably confirmed some of the residents' worst fears of some of the harms caused by the mine — such as irreversible contamination of local rivers and streams with acid mine drainage — Goldcorp has discredited, denied and ignored these reports. One scathing report was written by British hydrogeologist and environmental engineer Prof. Paul Younger. Younger is considered a world expert on mine waste and water pollution issues. In November 2008, he visited the San Martín mine site in the Siria Valley, and found toxic waste seeping from the mine into the surrounding streams. His report also documents, with photographs, evidence of acid mine drainage contaminating local waterways.[89] His report notes the consequences of this contamination:

[89] He documented evidence of "substantial physical erosion of one of the principal mine waste management facilities," which constitutes "a clear example of poor practice, as deep incision of waste management facilities in this way greatly raises the risk of physical mobilisation and / or chemical weathering of potentially-polluting materials stored within such facilities." His report also documented "a conspicuous flow of acidic, metalliferous water exiting the mine perimeter and entering the Quebrada [stream] de Aguas Tibias." He also documented "Areas of exposed pit walls, unrestored and (according to the closure plan) not scheduled for any restoration, which will remain sources of wind-blown dust and contaminated runoff for decades or even centuries to come." It also noted, "A significant outflow of acidic, metalliferous water from the Tajo Palo Alto into the Quebrada [stream] Sirca (which downstream joins the Quebrada Las Casitas)."

> High sulphate in the waters rendering them non-potable for humans and livestock; direct toxicity of low pH and high metals concentrations to invertebrates, fish etc; bioaccumulation of metals up the food chain from cattle accessing even distal parts of the watercourses where other problems might be less severe, but metals remain abundant in sediments. (Younger 5)

Noting the devastating nature of such pollution, Professor Younger reported that, "Depressingly, in the absence of remedial measures, such polluting discharges are now known to persist for centuries and even millennia." He documents meeting with concerned residents of the Siria Valley to advise them that, "the mining operation has unfortunately created uncontrolled legacies which have the potential to continue damaging the environment — and thus agricultural production and people's health — for centuries to come." He then describes an almost surreal experience that he then had "debating" these issues with two mining company managers on national Honduran television: Héctor Daniel Sevilla B., Manager of Industrial Relations, and Christian F. Roldán, Manager of Operations. His report describes the "debate" that ensued:

> Héctor, who is a lawyer, did most of the talking for their side. Christian, who is a mining engineer, appeared extremely uncomfortable throughout and tried to avoid saying things he knew weren't true. Our lawyer friend had no such scruples, and simply denied on air the existence of the features shown in images b, c, d and f [of his report — evidence of acid mine drainage and other contamination.] (Younger 6)

Residents of the Siria Valley attest that these bald-faced denials of scientifically demonstrated facts represents the company's dominant strategy in the region. It is for this reason that residents of the valley, such as the members of the Siria Valley Environmental Committee featured in the accompanying documentary, have a difficult time listening to Goldcorp managers and executives speak of how "open to dialogue" the company is. The company similarly dismissed the findings of the Latin American Water Tribunal, an autonomous and independent international environmental monitoring organization, which ruled in October 2007 that Goldcorp's Honduran San Martín mine had inappropriately used and contaminated the water

sources in the Siria Valley, "causing harm and risk to the ecosystem and to human health."[90] Perhaps those are not considered by Goldcorp to be "legitimate concerns," or are not deemed to be expressed by legitimate actors. Also in 2007, Goldcorp was fined one million lempiras (appx. $50,000 CDN) by the Honduran Secretariat of Natural Resources and Environment (SERNA), for causing pollution and damaging the environment. Goldcorp denied the evidence presented by SERNA, disputed the validity of their tests and appealed the fine.[91]

When Villacorta maintains that Goldcorp is open to dialogue, it might be more apt to state that if that is so, it is open to dialogue with those whose grievances are perceived to be minor or manageable, or as he states, "legitimate concerns." When asked about the protest at Los Encuentros described in the prologue, against the passage of the milling cylinder to be used in the construction of the Marlin mine, his response reflects that very same stance:

> Let me tell you: what does Los Encuentros have to do with Marlin? Nothing at all. The first thing that we got from them is that a guy came in saying that the mill was going to be used to get all the water from Lake Atitlán out of there, and into the mine. That's what the smart ones went to sell there, creating chaos and all sorts of speculations. That's what happened there. They had nothing to do with our project. Nothing at all. And what you see is a group of fanatics actually going to Los Encuentros to try to start up people. And if you ask on that event, you'll see, what are you doing here? [He mimes banging his fist on the table] "No, they're taking our gold, and they're taking our water…" So, to be honest with you, there's not a specific response to that, but to say that it was a strategic movement against the establishment of the mine.

Again, in this response, Villacorta conveniently evades addressing the specific issues expressed by those concerned about the environmental and health impacts that this type of mining is accused to have brought to neighbouring Honduras. His response ignores the critiques of the legal reform that facilitated the mining company's entrance into the region, and also evades the frequently-expressed concerns that this type of mining, in being intrinsically

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[90] See http://www.rightsaction.org/Alerts/Goldcorp_LAWater_092307.html (accessed 6 January 2013).

[91] See http://www.cafod.org.uk/News/Campaigning-news/Goldcorp-pollution (accessed 6 January 2013).

environmentally destructive, is anathema to the Mayan epistemology held by many of the protesters, who view the earth as sacred, and place paramount importance upon environmental stewardship (Fulmer, Godoy and Neff 94). Instead, these protesters were not people with "legitimate concerns," whom the company would welcome in dialogue. Actual dialogue, in fact, may be impossible, given the absence of common ground between the indigenous epistemology from which many protesters express their grievance — of the earth as sacred and in need of safeguarding from destruction, and the instrumental logic of standing reserve that guides mining company thinking. Rather than addressing any of these issues, echoing the stance taken by the Canadian embassy official mentioned in the prologue, Villacorta asserts that the protesters are "fanatics" who are part of "a strategic movement against the establishment of the mine," and thus *cannot* be engaged in rational dialogue due to their own illogical, immoral and otherwise deficient natures. It is fair to presume that he may deem these protesters to be members of the "big groups of individuals" that he referred to earlier, of those who are "opposed to whatever represents wealth and development." As such a stance is beyond logical comprehensibility, it cannot be engaged in dialogue.

This discursive delegitimization of actors who fundamentally critique or oppose the Marlin project does not only emanate from the mining company. As noted in Chapter 1, less than two weeks after the January 11, 2005 protest at Los Encuentros that Villacorta claims was instigated by "fanatics," Canada's ambassador to Guatemala at the time, James Lambert, appeared on the popular Guatemalan television talk show, "Libre Encuentro," to represent Canada's position on the role that Canada's model of mining development can bring to the country. Chapter 1 focused on how Lambert deceptively invoked Taltahn Chief Jerry Asp — whose credibility and legitimacy was being challenged at the time by Taltahn elders — to

present a narrative of Canadian indigenous support for extractive activities. These comments were analyzed as a component of the politics of legitimacy that constituted the thesis of this dissertation's proposed dialectic. His comments also, however, employ the politics of delegitimacy that constitutes the proposed dialectic's antithesis. In reference to the protest at Los Encuentro that Villacorta dismisses as "fanatical," Lambert took a similar, although arguably more insidious position. Another guest on the program had opined that local residents had gathered to block the passage of the mining company's cylinder because deprived of a legal infrastructure that represent their interests, people invariably resort to resistance strategies like the blocking of the passage of the truck. Lambert responded:

> You mention that you believe that all of this activity is legitimate, because of the lack of legality, the legal framework that exists in Guatemala about mining, but the fact is that companies, citizens, have to come here to the country, in the mining sector or otherwise, to begin their activities. And the signal that happened [with the month-long blockage of the passage of the cylinder] in Sololá that — I'm not saying it's not legitimate for the people to express their opinions, that there is a discussion of these elements, that there is a total transparency, but this blocking of activities that are within the legal framework of the country, in order to make this political statement — I believe it exceeds the norms of the country and it's worrying. And that is how we have to address it with the government.[92]

The ambassador's expressed position, which is far from unique, establishes a clear boundary between legitimate and illegitimate positions. Discussion and expression of opinion with "total transparency" are deemed to be "legitimate"; blocking a truck to resist the construction of a mine is clearly not legitimate, and in his stating that "that is how we have to address it with the government," he explicitly declares that in order to be a "legitimate" subject, one must accept and abide by the parameters circumscribed by the Guatemalan state.

[92] "Libre Encuentro," episode #642, aired Jan. 23, 2005 (see http://www.libreencuentro.com.gt). Transcript and video of the episode on file with the author. Clips of Lambert's contributions are available at: http://www.youtube.com/watch?v=wJUwLakTELs and http://www.youtube.com/watch?v=F-yfv5IrKus

But what if people feel that those parameters, or as he says, "the legal framework of the country," are actually designed to thwart their aspirations towards a more just and equitable model of social order? What if members of surrounding communities feel that engaging in dialogue with the state or with large Canadian mining companies is less about fairly negotiating the terms and conditions in which they will live out their lives, and more about falling prey to a neo-colonial con, whereby an unjust and inequitable model of "development" is imposed from above, regardless of what happens in "dialogue"? What if they sense that the superficial appearance of dialogue is designed to thwart or prevent actual consultation or negotiation? What if subjects have come to believe that in engaging in "dialogue" with the state or multinational corporations, they are entering a realm in which the deck has been stacked against them, and thereby conclude that it is naive and futile to engage on the dealer's terms? Is the ambassador being disingenuous in his assertion, making it appear self-evident that Guatemalans must only employ what he deems to be "legitimate" means, such as "discussion and expression of opinion" within existing legal parameters, but should not resort to stronger measures? Again, addressing matters of intent and belief is to engage in an exercise of futility; the purpose of this analysis is not to glean the extent to which certain powerful actors may actually believe the public stance that they take, but to discursively analyse how hegemonic discourses are constructed in ways that serve to advance the interests of Canadian extractive activities in the region, in part by delegitimizing the industry's critics.

Lambert rejects his interlocutor's proposition that locals preventing the passage of Glamis' milling cylinder might be a legitimate form of protest "because of…the legal framework that exists in Guatemala about mining." In his tone, Lambert can barely conceal his impatient, dismissive response to that argument, which, to be clear, is not about the legal framework that

exists in Guatemala about mining, but the *absolute inadequacy* of that legal framework — namely, the 1997 mining law — to ensure the local accrual of benefits and guarantee the protection of health and the environment. His interlocutor's argument is not that the protest against the milling cylinder was legitimate because of "the legal framework that exists in Guatemala," but because of the legal framework that *does not exist* — and it does not exist, because the 1997 rewriting of the mining law eviscerated it of its public safeguards, focusing it entirely on mechanisms designed to entice investment. Some scholars have referred to Guatemala's mining law as an exemplary case study in the "'race to the bottom' of contemporary globalization…[entailing] weak and unenforceable protections for the environment and public health, without mechanisms for community participation in decision making" (Fulmer, Godoy and Neff 98). Beyond the references in Chapter 2 to the law's attributes (removing restrictions on foreign ownership, granting unlimited access to water, reducing the royalty rate from 6% to 1%, establishing various tax exemptions for mining companies), some of the law's more glaring deficiencies include the granting of automatic approval of the environmental and social impact assessment (ESIA) that mining companies are obliged to submit to the government for approval in order to satisfy licensing requirements, if the environmental authority charged with reviewing it — the National Commission on the Environment — is unable to provide a response within 30 days. There are no provisions in the law for extending that period. From a mining company's perspective, it is clear how such a provision would certainly entice investment, as companies are guaranteed a response to their ESIA within 30 days, and the state's inability to sufficiently review the document within that period of time cannot, by law, delay a project, but rather grants the company automatic approval. Critics, however, charge that this provision is ludicrous, given that ESIAs are often hundreds upon hundreds of pages long, are immensely technical, and

require careful study by scientists with a level of expertise that is lacking in Guatemala's state Commission on the Environment (Fulmer, Godoy and Neff 99). The law also fails to heed the issue of collective land rights, which complicates, and some argue, prohibits mining companies' purchase of territory for extractive projects (van de Sandt 11). Article 75, Section D of the law, also permitted companies to dump their mine waste directly into nearby rivers and streams, with the vaguely-worded proviso that they take "appropriate measures to limit environmental damage" (Sieder "Legal Cultures" 177).[93] The law also fails address the inclusion of surrounding communities' participation in key decisions regarding a proposed mining project — despite the fact that the law was passed a year after Guatemala ratified ILO Convention 169, which mandates states to consult with indigenous populations prior to approving "development" projects in their territory. Indeed since the passing of the 1997 Mining Law, hundreds of mining licenses have been granted without local communities having been consulted previously (van de Sandt 11). In terms of providing for an appeals process over the approval of a license, Article 59 of the law states that any complaint over the granting of a mining license must be lodged within a mere five days of the approval of the license. Indigenous communities have since complained that they are only informed about the granting of a license after that five-day window has elapsed (Sieder "Legal Cultures" 171). These omissions and deficiencies have prompted many local communities to take it upon themselves to resist unwanted mining projects in a variety of ways — some of which may circumvent existing national legislation, such as protesting the passage of the milling cylinder at Los Encuentros in December 2004 - January 2005. Other resistance strategies appeal to existing legal instruments — from the municipal to the supranational level,

[93] In April 2007, the country's environmental movement scored a rare victory when the country's Constitutional Court declared that this article of the Mining Law, along with six others, was unconstitutional (Sieder "Legal Cultures" 177).

such as community-organized consultations and referenda in which members of a community vote on whether mining activities are desired in their area.

The ambassador, as noted in Chapter 1, with an aura of authority and legitimacy, calmly proclaims that Guatemalans *must* abide by the legal frameworks of the country, without lending but a shred of credence to those who question and critique that framework; indeed, he expressly delegitimizes those individuals whose critique of the existing legal framework as inherently unjust leaves them with little recourse but to protest and resist *outside of* those frameworks. But to the ambassador, the only legitimate course of action is to "dialogue" within the parameters of laws — again, within the parameters of mining legislation drafted by and for Canadian mining interests (Cuffe), because, as he states, "*the fact is* that companies, citizens, have to come here to the country, in the mining sector or otherwise, to begin their activities… this blocking of activities that are within the legal framework of the country, in order to make this political statement — I believe it *exceeds the norms of the country* and it's worrying. And that is how we have to address it with the government" (italics added). The ambassador takes it upon himself to declare what constitutes "fact," and "the fact is" that mining companies "have to come here" within the existing legal framework — that "fact" is presented as incontrovertible. The mining law itself is also cast as indisputable fact, by which he concludes that for protesters to block activities "that are within the legal framework of the country… exceeds the norms of the country and it's worrying." His logic occludes the structural inequality that created what many argue is a fundamentally unjust and antidemocratic mining law — one that perfectly exemplifies a neoliberal logic of facilitating the mobility and security of transnational capital with no concomitant safeguards to ensure the health and sanctity of the environment and local populations. His stance presents the existing legal framework as an indisputable reality — one

that must be accepted as a given, and worked within. This is precisely how hegemonic representations are constructed: the specific history and politics involved in the drafting of the mining law are erased, and the various critiques of its fundamental inadequacies are jettisoned. In the ambassador's discourse, the current legal framework is presented as the "norm," from which any deviation is said to be "worrying." To situate this critique in the terms of Butler and Foucault's understanding of subjectivation offered earlier in the dissertation, Ambassador Lambert is offering the norms by which Guatemalan subjects can come to understand themselves and their *legitimate* means of expressing their aspirations for development and self-determination. To fall outside of those norms — which is where Lambert unequivocally situates the protesters at Los Encuentros who resisted the passage of the milling cylinder and the construction of the Marlin mine — is to deviate from those norms. To deviate thus casts one not only as an illegitimate subject, but also a threat to "legitimate subjectivity."

Even when Guatemalans resort to the "expression of opinion," as the ambassador advocates, they have met strong opposition from Canadian mining companies and government officials — both Guatemalan and Canadian — when that opinion reflects a counter-hegemonic stance and rejects the Canadian model of mining "development" altogether. The "opinions" that the ambassador and Goldcorp executive deem to be legitimate are those that both implicitly and explicitly accept the mining company's presence in the region within the structure of the existing legal framework; what is evidently tolerated, or professed to be welcomed, is dialogue that might like to negotiate the fine print of the terms by which the company agrees to operate (e.g., a debate over what might constitute a more mutually beneficial royalty rate). When those opinions are more drastic — as they frequently are — expressing a preference that the mine not exist

altogether, or that the mine is a threat to the sanctity of the earth as understood from a Mayan epistemology, subjects quickly learn that those opinions are not deemed to be legitimate.

This can be seen in company and government responses to the many community referenda, or *consultas*, that have emerged in the region of the Marlin mine since its construction. Organized in response to what members of surrounding communities have claimed to be the failure of the governmental and mining company to consult them prior to the introduction of the mine into the region, communities have drawn upon the legal provisions of the Guatemalan Municipal Code and ILO Convention 169 to establish their own referenda. Grounds for the consultas are often couched in the language of "prior consultation" provided by ILO 169, as Guatemalans frequently express disillusionment with their national law that fails to specify particular rights of indigenous peoples. In fact only two articles of the 1985 Constitution mention indigenous peoples,[94] but as Sieder notes, "their rights are not specifically enumerated in such a way as to make them easily actionable in the courts"[95] (Sieder "Legal Cultures" 165). Several articles of ILO Convention 169, however, do mandate prior consultation with indigenous populations prior to an extractive project proceeding on their territory, and stipulate that such projects must heed the community's well-being — which is understood on a number of levels. Article 7.1 states that:

> The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social, and cultural development. In addition, they shall participate in the formulation, implementation, and evaluation of plans and programs for national and regional development which may affect them directly.

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[94] Articles 66 and 67 outline the State's responsibility to "defend the patrimony of indigenous peoples" (Oxfam America).

[95] One of the provisions stipulated in the signing of the 1996 Peace Accords was to modify the constitution so as to strengthen indigenous rights; a popular referendum in 1999, however, rejected the proposed constitutional reforms.

Article 7.3 mandates that:

> Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.

Environmental protection is specifically addressed in Article 7.4, stating that, "Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit." Article 6.1 addresses community consultation, stating that governments shall:

> (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
>
> (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
>
> (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.

Article 15.1 explicitly addresses resource extraction, stating:

> in cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programs for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

Article 6.2 explicitly refers to the consent of affected communities, stating:

> The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

The *consulta popular*, which combines traditional indigenous custom with appeals to contemporary international legal instruments like ILO 169, is by no means unique to Guatemala; the phenomenon is found throughout Latin America, in which, as Sieder observes,

> new forms of social protest and resistance combine local customs and communal authority structures (customary law) with global rights discourses, as well as international instruments and institutions…[drawing upon] both local and transnational understandings of entitlements, obligations, and rights. In effect, a dominant legal and political environment that is hostile to expanding or protecting citizens' rights encourages certain categories of citizens to constitute alternative legalities and to attempt to secure their claims by "law-like" actions outside the courts. (Sieder "Legal Cultures" 163)

As an international legal instrument, ILO 169 takes precedent over Guatemalan national law, and signatory states are expected to implement the necessary provisions into their existing legal frameworks to accommodate the rights it grants.[96] While the onus is placed upon the state and not the mining company to consult the local population, "prior consultation," enumerated as a legal concept in the Convention, is nonetheless both contested and vague (Sieder "Legal Cultures" 167). Many argue that exactly what that prior consultation should entail, with whom exactly the state is required or not required to consult, and what powers those who are consulted may wield, is not clearly specified by the convention. While it mandates the state's inclusion of the participation of the local indigenous population with "*the objective of* achieving agreement or consent to the proposed measures" (Article 6.2, quoted in full above, italics added), it is unclear if the state and communities must ultimately arrive at a consensus, nor what transpires if that objective of achieving agreement is not fulfilled. Guatemala has thus far neglected to

[96] The ILO states that "Once it ratifies the Convention, a country has one year to align legislation, policies and programmes to the Convention before it becomes legally binding. Countries that have ratified the Convention are subject to supervision with regards to its implementation." See http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm (accessed Jan. 5, 2013).

specifically elaborate in national law what constitutes prior consultation, nor how it is to be implemented.[97]

Goldcorp claims to have done ample community consultation over its Marlin project, which was in part mandated as one of the terms of the $45 million financing it received from the World Bank's IFC, as noted in the prologue. James Schenk, Sustainable Development Manager for the mine, attests that during the mine's construction and early in its operation — between 2003 and April 2006, their Community Relations Crew made 460 different community visits (which is not a visit to 460 different locales — numerous communities were visited multiple times), in which 17,391 people were "consulted" about the mine (Schenk).[98] During that same period, he states that the company welcomed 325 group visits to the mine made by 6,103 people. Nonetheless, many members of the surrounding communities attest that they were not previously consulted about the project; most maintain that they were not visited by the mining company, and amongst those who were, many claim that the meetings were little more than promotional sessions for a mine that was presented as inevitable — a process that they argue hardly constitutes "consultation" (Gordon 222; Sieder "Legal Cultures" 174).

The consulta phenomenon emerged as a result, as numerous surrounding communities have taken it upon themselves to express their will through their own community-organized plebiscites. The first consulta occurred in the municipality of Sipacapa in 2005. While the Marlin mine's ore deposit lies entirely in the municipality of San Miguel Ixtahuacan, 15% of the concession lies in the neighbouring municipality of Sipacapa. On June 18, 2005, 13 communities in the municipality of Sipacapa held referenda to vote on whether open-pit metal

[97] Guatemala is also not alone in this regard: Siebert notes that "no state signatory to ILO 169 has defined prior consultation through national legislation" (Sieder "Legal Cultures" 167).

[98] Schenk did not specify if that number includes individuals who may have been consulted multiple times.

mining activities were desired on their territory. In total, 2,486 people voted against open-pit mining in their municipality, 35 people voted in favour, 32 abstentions were counted, as was a single blank vote (Oxfam America). The municipal governments that oversaw the consultas grounded the legality of the process in Guatemala's Municipal Code, which establishes the legal authority of municipal governments to hold such referenda; Guatemala's Law of Urban and Rural Development Councils, which demarcates the parameters of community consultas; the two articles of the Guatemalan Constitution mentioned in footnote 92; the 1996 Peace Accord on the Identity and Rights of Indigenous Peoples; and, as Oxfam America notes, "most importantly," on ILO 169 (Oxfam America), which one Guatemalan social justice activist refers to as "a pillar in the indigenous rights movement of Guatemala for the last several years" (Geglia).

The mining company's response is unambiguous: the consultas are illegal and illegitimate. The company first tried to prevent the consulta from occurring, filing a legal injunction with the courts that sought to force the municipal government to suspend it. When the consulta was held nonetheless, the national Ministry of Energy and Mines then filed an injunction with the country's Constitutional Court, petitioning the court to rule that the community plebiscite violated the country's constitution (Sieder "Legal Cultures" 174). Villacorta insists that the proceedings should not be referred to as "consultas," stating, "you cannot call that a consulta. And I'll tell you why — I'm kind of a legalist formalist guy. First of all, they didn't follow procedures. Second, it was not an objective process. It was not transparent at all. It was something that was directed, and nobody besides the opposition group participated in it." In terms of his first point, he elaborates that a proper consulta "must be given by electoral tribunal. The electoral institution must be involved, and they must show how to do the consulta. Second, it was not a very formal process. A room was full of people: are you

against or are you in favour? And you just had to put your hand up, and that's not the way you do it." In a country with historically high rates of illiteracy, however, the open vote system is in fact a traditional Mayan form of public consultation (Grandin; Sieder "Legal Cultures"). His second point is one that has been repeatedly echoed by officials at the Canadian embassy in Guatemala City, insisting that the consultas are not legitimate because they are organized by "anti-mining activists." The Constitutional Court, after initially affirming the Sipacapense villagers' rights to hold the consultas (citing ILO 169 as one of the reasons), reversed its ruling on May 8, 2007, in response to an appeal filed by the mining company. It declared that the consultas are, as Sieder notes, "not legally binding and have no basis in law…only the Ministry of Energy and Mining was able to decide the government's energy policy. They therefore ruled that the Sipakapa municipal authorities had no right to forbid Montana from operating in the area" (Sieder "Legal Cultures" 177). In other words, while local communities may hold such gatherings, neither the state nor the mining company must abide by the will expressed therein.

When asked about protesters' frequent reference to ILO 169, Villacorta highlights the vague and ambiguous nature of the convention. He states that, "ILO 169 talks about a consultation process, but it doesn't define it — first. And second, there is a guide for the ILO 169 that actually says that they have to be involved and informed, but that doesn't mean that the consulta is binding for the granting of the permit. There's a lot of technicalities here, you know."[99]

[99] While he does not specify which document he is referring to, the ILO does stipulate that "prior consultation" as mandated by the Convention does *not* give a local indigenous community the authority to reject a project. One ILO document states that, "The objective should be to achieve agreement or consent (C169 does not directly provide a right to veto), and an adequate process should have been followed, in accordance with Article 6 of the Convention." See "Indigenous Peoples: Consultation and Participation," available at http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/presentation/wcms_099187.pdf (retrieved Jan. 5, 2013).

James Schenk, Sustainable Development Manager for the mining company, takes a similar, albeit slightly blunter stance, likewise preferring to avoid referring to the Sipacapa referenda as "consultas." Like Villacorta, Schenk stresses that "consulta" implies that the will expressed by the community referendum is legally binding, under Guatemalan law. He asserts that,

> I wouldn't use that word, because when you use that word in Spanish, it means a very specific thing, at the municipal level. And our understanding is that a consulta over the use of mineral resources is not actually legal. And this is part of the issue. Certain people, for instance in Sipacapa, believe that they held a legal process that is binding. So far the courts say it's not legal.

Schenk explains further: "Who controls which resources? Guatemalan Constitution says that resources like oil and mineral resources, these belong to the state, they don't belong to the municipalities, they don't belong to the communities." His meaning is clear: a community referendum cannot legally block mining activities on their lands; local community members may own the land, but as the state retains ownership over subsurface rights, the local population is not legally empowered to deprive the State of its right to lease exploration and exploitation rights for subsurface minerals to a mining company. The 2007 ruling of the Constitutional Court confirms this position. While ILO 169 supersedes national law, Schenk is quick to emphasize the caveat issued by Villacorta:

> ILO Convention 169: what does it say and what does it mean? And there is not agreement on this. And I would say that the people to the farthest, most radical position, believe that ILO 169 says any kind of project, you will get the community together and they will vote on whether they want it or not. Well, we believe emphatically that it does not say that. (Schenk)

Some scholars argue that the 2007 UN Declaration on the Rights of Indigenous Peoples, by codifying the right to "free, prior and informed *consent*," provides a stronger instrument for an indigenous community's self-determination than ILO Convention 169, which merely affirms

the right to "prior *consultation*."[100] Guatemala has ratified the UNDRIP, however in a December 2009 ruling, the country's Constitutional Court, while acknowledging indigenous peoples' rights to prior *consultation* as specified by international law (ILO 169), refused to endorse the right granted by UNDRIP to *prior consent*, declaring that economic activities that are in the "national interest" cannot be impeded. Various Guatemalan civil society organizations continue to press for legislation that articulates and regulates the process of prior consultation.

This dual-pronged response to the consultas — that they are neither legal (given that ILO 169 does not provide veto power, and the Constitutional Court rulings that a local community cannot block mining activities on their land, regardless of appeal to any supranational legal instrument) nor "valid" (given that they are purportedly organized by "anti-mining activists"), is the dominant discourse that emanates from industry and its advocates, including those in the Canadian government. This dominant discourse effectively delegitimizes the aspirations for self-determination expressed by thousands of people partaking in a democratic exercise, making it entirely unsurprising that more drastic measures have been taken by residents of surrounding communities who object to the mine's activities on their lands.

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[100] For instance, the following articles from the UNDRIP:

Article 19 states that "states shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."

Article 29.1 states that "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources…in the lands or territories of indigenous peoples without their free, prior and informed consent."

Article 32.1 declares, "Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources."

Article 32.2 declares, "States shall consult and cooperate in good faith with the indigenous peoples concerned…in order to obtain their free, prior and informed consent prior to the approval of any project affecting their land or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."

The full text of the UNDRIP is available at http://social.un.org/index/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx (accessed Jan 5, 2013).

One example of more drastic measures are the actions taken by Gregoria Crisanta Perez, a local campesina who lives near the Marlin mine, in the town of Agel. She routinely acts as a community spokesperson, speaking out about some of the harms that she and others in the area assert the mine has caused. These include a lack of water, with many local residents complaining that their wells have dried up since the mine began operating. The company denies responsibility. They have also petitioned the mining company to repair the large and significant cracks that have developed in many of homes surrounding the mine, caused by the explosives used in the mine's blasting process. Again, the mining company denies responsibility, stating that the homes' large cracks are due to the rumble of trucks on the nearby roads, or, somewhat absurdly, that they are caused by the vibrations of the small electric corn grinders that some villagers have. The company also claims that poor construction practices are to blame (see Figures 56-57). Some of her neighbours who sold their land to the company also complain of having been deceived in the process, ultimately receiving less than one tenth the current value of the land. Perez laments:

> We don't count. We don't know what will happen to us. Maybe one day they will come and take our land. That's what we think. It hurts because we are human, we have feelings, and are the owners of our property. This had never occurred before Montana came. We are telling people who live in other communities [where there is gold]…where they want to go in, that not to let the company in because if they do, then they will end up like us.[101]

Her frustrations culminated in June 2008, when company contractors came onto her land without her permission and installed a large tower to carry electric power lines to the mine. She states that deprived of any legitimate means to establish the terms and conditions by which she and her fellow villagers wish to "develop," she saw an opportunity, in the newly erected

[101] Interview with Friends of the Earth International, available at http://www.youtube.com/watch?v=3PcEXLs9qng (accessed Jan. 6, 2013).

electricity lines, to kill the power on the model of development that she argues has been so harmful to surrounding communities (Gordon 224). She explains that, "as we became fed up with all the damages the mining company has committed against us, we decided to cut its power supply."[102] She threw a metal cable over the power lines, cutting electricity to the mine (see Figures 58-60). The electricity that she shorted powered the mine's mill — the very cylinder whose passage campesinos at Los Encuentros had tried to block three years earlier.

Seven of her neighbours — all women — gathered to support her, and when Goldcorp engineers came — accompanied by some 35 police officers, the women tried to block access to Pérez's land. Police charged all eight women with sabotaging the power line (see Figure 61) (Maheandiran et al. 5). The women allege that their only crime is to support Pérez in defending her property, and more broadly speaking, publicly denouncing the mine. These women represent but a few instances of the criminalization of dissent facing those who resist Canadian mining projects on their territories.[103] Their plight is shared by Siria Valley Environmental Committee member Carlos Amador, who, along with several other members of the committee, is featured in the accompanying documentary, *All That Glitters Isn't Gold*. On April 13, 2010, Honduran police, with guns drawn, "raided" the middle school where Amador teaches. As he was not present at the time, they then "raided" his home — again, as a commando-style raid, with guns drawn, striking terror into his young family. While not at home at the time, Amador presented himself to police shortly thereafter, where he says he was spirited into the district attorney's office and interrogated with such questions as, "'who are the leaders of the [Siria Valley Environmental] committee,' 'where do they live,' 'when does the committee meet,'" and so

[102] Interview available at http://www.youtube.com/watch?gl=ES&v=itlzp3DGLWY (accessed Jan. 6, 2013).

[103] After nearly four years of stress over dealing with the pending charges, all charges were eventually dropped.

forth.[104] One year later, on July 5, 2011, Amador and 17 other members of the Siria Valley Environmental Committee, who for years have been outspoken in publicly denouncing the harms caused by Goldcorp's San Martín mine, were arrested on what they and human rights organizations have denounced as patently false charges. They were facing the prospect of 6-year prison terms. Their charges were eventually dropped at a hearing on February 11, 2013, and while pleased with the ruling, Amador and the other defendants highlight the various stresses, including financial and psychological, that they lived with for years while the charges were pending. They understand the charges as efforts at criminalizing dissent, coming in direct response to their social activist work of seeking justice for the crimes that they maintain Goldcorp has committed in the region with its San Martín mine.[105]

The discourse on "anti-mining activists" opposing "development" does not merely emanate from industry or their state sponsors; mainstream media accounts of the consultas have also deployed the very same discursive constructs. In a 2006 *Wall Street Journal* article entitled, "What do NGOs Have Against Poor Guatemalans?" journalist Andrea Tunarosa discredits the consultas in San Marcos and Sipacapa by claiming that locals have been manipulated by radical, outside "anti-development NGOs." She writes that when word initially circulated in San Marcos that the Marlin mine would be built,

> locals were eager to get jobs in the mine and to provide services around the project. But last year organized and well-funded opposition nearly squelched the deal. In a country with such dire needs for capital and technology to lessen the want of the poor, it is worth exploring whether such anti-mine activism truly expresses the will of the people. Looking behind the scenes, the funding and instigation of the activism appears heavily driven by international nongovernmental organizations that end up discouraging

[104] See Annie Bird, "Threats Against Carlos Amador." Washington, DC: Rights Action, 2010. Available at: http://www.rightsaction.org/Alerts/Honduras_Goldcorp_Amador_042910.html (accessed Jan. 5, 2013).

[105] See Rights Action, "Criminalization of Human Rights and Environmental Defenders." Washington, DC: Rights Action, 2011. Available at http://rightsaction.org/action-content/criminalization-human-rights-and-environmental-defenders (accessed Jan 5, 2013). See also Rachel Deutsch, "Taking the Stand for Water," at http://dominion.mediacoop.ca/story/taking-stand-water/16790

> development while trying to fulfill their own mission. Boston-based Oxfam America and Toronto's Rights Action are two anti-development NGOs active in Guatemala. (Tunarosa)

Her first claim, that "locals were eager to get jobs in the mine" is belied by public opinion polls taken in the villages surrounding the mine at the time of its construction. Nolin and Stephens cite an October 2004 survey of 400 adults living in villages in the municipalities of San Marcos and Sipacapa, in areas surrounding the Marlin mine:

> 95.5 percent of those surveyed oppose mining development in the area and believe that the only beneficiaries of the development will be the mining company owners. Another 83.5 percent believe that gold extraction will harm the environment and only 11.5 percent believe that the Marlin Project will benefit their communities. (Nolin and Stephens 53)

The survey also found little faith in the government: 73.5 percent of the respondents reported that they believed that the Catholic Church — which had been publicly warning of the potential harms caused by open-pit metal mining — knew more about the dangers involved than the government, and 84 percent felt that the national government is not concerned that the mining activities it has approved could harm the health of the surrounding population.[106]

Tunarosa's reference to Guatemala as "a country with such dire needs for capital and technology to lessen the want of the poor," invokes the very same discourses found in the pro-mining march billboards of Figures 45-48, as noted in the previous chapter. Technology and capital are both uncritically referenced as the keys to invariably transform Guatemalan society from its implied state of backwardness to a more "modern," "progressive" society. It is far from given that the technology or capital investment involved in open-pit metal mining will provide a net benefit to the lives of the average Guatemalan; in proposing this as an undisputed truism, this article irresponsibly and inaccurately distorts the situation and reinforces the hegemonic

[106] The survey and its results were reported in Ramírez, Alberto. "Rechazan actividad minera en San Marcos." *Prensa Libre*, Nov. 4, 2004. Available at: http://www.prensalibre.com/noticias/Rechazan-actividad-minera-San-Marcos_0_95991164.html (accessed Jan. 5, 2013).

construct on "development" unpacked in the previous chapters. She explicitly draws upon the discourse on "modernization," arguing that in the decade that followed the passing of the 1996 Peace Accords, "much has been done to modernize the telecommunications and financial sectors. In the case of mining, most experts consider the 1997 law an adequate legal framework that respects international standards." Again, one finds the same discursive strategy invoked by Goldcorp executive Villacorta, in his demonization of those who oppose CAFTA as irrationally opposing, "whatever represents wealth and development," or Ambassador Lambert's treatment of the current legal framework by which Canadian mining companies operate, as an indisputable fact. In both Villacorta's and Lambert's discourse, the very particular neoliberal logic of privileging the mobility and security of transnational capital at the expense of impoverished communities who may be harmed by that capital investment, is passed off as an indisputable inevitability. To oppose that model, is to oppose "whatever represents wealth and development;" there are no viable alternatives that one could conceivably value. Likewise, Tunarosa's claim that "most experts consider the 1997 law an adequate legal framework that respects international standards," merely serves to delegitimize the critiques that argue that the country's 1997 Mining Code could not more perfectly exemplify a legislative framework that privileges transnational capital at the expense of local communities — a "race to the bottom of contemporary globalization" (Fulmer, Godoy and Neff 98).

Beyond serving to legitimize an inequitable and destructive model of "development," the article then employs the same politics of delegitimization adopted by the mining executives and Canadian embassy representatives previously explored: in falsely stating that, "the funding and instigation of the activism appears heavily driven by international nongovernmental organizations that end up discouraging development while trying to fulfill their own mission,"

and then demonizing these agitators as "anti-development," Tunarosa explicitly constructs the opponents of the mining projects as threats to the nation's development. This echoes discourses from a half-century earlier, claiming that individuals in Guatemala who were seeking to distribute the country's and resources to benefit more the population were "communists" who were serving their own perverse agenda of destroying society. Tunarosa further asserts that NGOs like Rights Action have no real stake in the well-being of local communities, but rather can "blow through town like a hurricane disrupting development and then be gone." She concludes her article ridiculing Rights Action's critique of the structural adjustments to Guatemalan society (like the 1997 Mining Law) that secure foreign capital at the expense of the well-being of local communities, stating, "If Guatemala were a 'global investors' oasis,' as Rights Action says, more than 50% of the population wouldn't be living below the national poverty line. So while NGOs are asserting that the country is not ready for investments in mining, the opposite would appear to be true for the people of El Estor and Sipacapa."[107] In other words, the systemic poverty found in Guatemala could not possibly be caused nor exacerbated by the conditions that facilitate foreign investment. Like several of the banners of the pro-mining examined in the previous chapter, Tunarosa presents as a truism the logic that foreign investment equals "development," meaning improved standards of living for the majority of the population.

Rights Action, in its response to the article, denounces it as, "ridiculous and shameless. There are well documented serious harms and violations associated with the global mining industry and there are obviously competing visions, across the globe, of what is 'development'

[107] Article available at http://online.wsj.com/article/SB115344655041613241-search.html (accessed Jan. 6, 2013).

that honest journalism should properly explore" (Rights Action). Their critique goes further, arguing:

> It is condescending and racist to suggest that national or international organizations "instigate" activism. Rejection to the global mining industry, as it operates, is being led locally by campesino and Indigenous communities throughout Guatemala and Central America. Organizations like Rights Action are in opposition, 'in' North America, to the global mining industry because we disagree with the exploitative, unjust and environmentally harmful nature of how the global mining industry operates… To call these two organizations "anti-development" is pathetic journalism… [the article is] a distortion of our work and exhibits racist condescension towards Indigenous communities. Throughout Guatemala (and elsewhere), Rights Action and OXFAM support projects designed and carried out by local communities and NGOs; we do not tell them what to do… moreover, local, national and North American organizations critical of and opposed to the global mining industry — are pro-development and pro-environment. Rights Action criticizes and opposes the global mining industry as it currently operates in most countries of the Global South because it most often undermines any chance of integral, community-controlled development and because it is done in ways that are harmful of the environment. (ibid)

In terms of her reference to the 1997 Mining Law as meeting the approval of "most experts" that it is "an adequate legal framework that respects international standards," Rights Action retorts that her assessment ignores the extensive and meticulous research that they and numerous other groups have undergone, in order to expose, "how these laws were enacted, who they were written by and how they favour companies and enable greats harms to the environment, human rights and development."

This chapter argues that it would be erroneous to read the systematic demonization of the popular consultas in Guatemala — with similar discourses of delegitimization emanating from industry, government and mainstream media alike — as isolated incidents. The bulk of this chapter was devoted to exploring this matter because the consultas and the hostility that they have evoked, serve as a useful metonym — as a valuable indicator that reveals a much larger, systemic pattern at work. This larger, underlying pattern and its dangerous consequences, are the broader concern of this dissertation. The intensity with which the consulta movement has been

discredited reflects the degree to which it is perceived as a real threat by the regimes of governmentality advancing Canadian open-pit metal mining in the Americas and beyond. There are good reasons for industry and its advocates to feel threatened: as noted at the close of the previous chapter, since the 2005 Sipacapa consulta, over 60 similar consultas have been held in the region, drawing hundreds of thousands of villagers who have expressed the same sentiment expressed at the very first mining consulta in Sipacapa, expressing their rejection of the mining in terms of indigenous epistemologies as to what constitutes healthy development, discourses of class and exploitation, rejections of neoliberal models of capital accumulation (Rasch; Holden and Jacobson), as well as the language of defending community and indigenous rights to free, prior and informed consent, in order to have the power to determine the direction of their communities' development (Urkidi; Gordon and Webber). At one consulta in Huehuetenango on August 11, 2007, 27,292 voters took part in a consulta, 99% of whom rejected open-pit metal mining in their territory (see Figures 62-66). As Sieder notes, "the turnout was higher than it had been for the 2003 general elections" (Sieder "Legal Cultures" 176). As noted earlier, it is estimated that over 500,000 villagers in the general region of the Marlin mine have now passionately voiced their rejection of the open-pit metal mining model that Canada is so ardently promoting. The consultas exemplify a local population, up against almost unfathomable forces of power, seeking self-determination and community-led empowerment through all legal means available. In terms of the energy mobilized and expressed, they could not be more opposite from the pro-mining demonstration described in the previous chapter. When it comes time to vote in favour of mining, there is a hushed silence; when, in the next moment, the time comes to vote in opposition to open-pit metal mining in the territory, the intensity of the booming cascade of hundreds of voices shouting with arms and fists held high, is difficult to capture in words. Those

aspirations for self-determination — demands for respect of their right to free, prior and informed consent prior to an industrial mega-project being established on their territory, demands for the right to determine the nature, shape and scope of "development" in their communities — is being resisted and delegitimized by the powerful forces threatened by these expressions of popular empowerment. However, the strategies of delegitimization by which the community plebiscites are rendered legally moot — by which they are cast as legally vacant exercises, devoid of authority to impede the actions of industry or the national government — are setting the stage for a broader and more dangerous level of social conflict, as the next chapter argues. The escalation and intensification of conflict is one of the elements of the 'synthesis' that results from the combination of the thesis and antithesis — the politics of legitimization and delegitimization — that the previous chapters have examined.

> "They think we're stupid, don't they. We'll see about that. How can they come here to evict us? That's what we have to do — evict the company."
>
> *- Concepcion Kim Tiul on watching her home being dismantled, during a 2007 eviction carried out on behalf of Canadian mining company Skye Resources*

CHAPTER 6

Land Claims and the Erasure of History – Forced Evictions near El Estor

One example of the escalation and intensification of conflict between a Canadian mining company and local Guatemalan campesinos occurred in eastern Guatemala, at the site of an old Inco nickel mine. In September 2006, one month after the pro-mining "protest march" described in Chapter 3, had wound its way through the Guatemalan capital, hundreds of Mayan Q'eqchi' campesinos in the municipality of El Estor, in the department of Izabal, took up residence on five parcels of land that Canadian mining company Skye Resources claimed to own. Skye advised that that the land was part of a concession that it had purchased from another Canadian mining company, Inco, in late 2004. Local Mayan Q'eqchi' living in the areas surrounding the concession contested that claim, asserting that the land was stolen from their ancestors in the mid-1960s, and practically gifted to Inco by the military dictators ruling the country at the time. The open-pit nickel mine had been shuttered since 1982, when Inco abandoned the project. As Skye announced plans to re-open the mine, local community members were incensed that they had not been previously consulted, as mandated under ILO 169. This chapter offers an account of the conflict between Skye Resources and local community members residing near the concession, to illustrate how both a Canadian mining company and the Canadian government employ similar strategies of delegitimization which serve to erase the historical context from which the current resistance movement emerges, and discursively cast it as a threat to the nation's development. Given that an understanding of the history from which local grievances

emerge is critical to comprehending the present conflict, a brief and selected chronicle of those historical antecedents is offered here first, before turning to an analysis of the discursive construction of those who resist mining activities in the region today.

Skye Resources' Inheritance: Inco's History in Guatemala[108]

As mentioned in Chapter 4, Carlos Castillo Armas, the U.S.-installed puppet leader who succeeded Jacobo Arbenz in 1954, wasted no time in reversing many of the policies of his predecessor, foremost amongst them being his agrarian reform initiative, Decree 900. Armas also opened the country to foreign mining companies, and in 1956, one company to receive exploration permits was Cleveland-based Hanna Mining Company, which discovered lateritic nickel deposits around the El Estor region, in the department of Izabal in the northeastern part of the country (Swift 64).[109] In 1960, Hanna partnered with Canadian nickel mining giant International Nickel Company (formally changing its name to Inco in 1976) to exploit the ore body. They established a Guatemalan subsidiary, Exmibal S.A. (Exploraciones y Explotaciones Mineras Izabal), of which Hanna retained only a 20% ownership, with Inco owning 80% (Driever 33). From 1960-1966, Inco entered into negotiations with the regimes ruling the country to work out the terms by which they could proceed with a ferro-nickel project near El Estor. The Guatemalan constitution, however, prohibited the open pit strip mining that Inco was proposing. In 1963, Colonel Alfredo Enrique Peralta Azurdia took control of the country following a military coup, and suspended the constitution. Inco immediately seized upon the opportunity to request favourable conditions, and with the constitution suspended, Inco drafted a new mining law for the country which, amongst other things, legalized open pit mining

[108] For a condensed historical timeline charting Inco's involvement in Guatemala, see "Canada's History in El Estor, Guatemala," compiled by Klippenstein's Barristers and Solicitors of Toronto. Available at: http://www.schnoorversuscanada.ca/timeline.html

[109] Laterite is a reddish clay, rich in iron and aluminum.

(Bradbury 138). It was accepted wholeheartedly, or as McFarlane (1989) notes, Inco "asked for everything it could think of by way of concessions, and got everything it asked for" (McFarlane 127). The new law, Decree 342, was passed by the Guatemalan Congress in April 1965, and several months later, on August 14, 1965, Inco received a 40-year concession to a massive tract of land — 384.4 square kilometres (95,000 acres) — for $30,000 plus a small annual rent (Bradbury 138; Acker "Inco in Guatemala" 6; Driever 34). The concession, which the mining company named Niquegua, covered three municipalities — El Estor, Panzós and Cahabón (see Figures 67-68). Inco also negotiated a full tax exemption for the first five years of operation, then a 50% exemption for all subsequent years. To ensure a cooperative partnership with the military junta ruling the country, Inco granted the Guatemalan government 30% ownership (non-voting) of Exmibal (McFarlane 127).

Swift (1977) surmises two factors that may have motivated Inco to offer the Guatemalan government a non-controlling, partial ownership of the company: to appease Guatemalans who may have seen little national benefit in the project, and in an effort to "vaccinate" the company against a possible future nationalization (71). There is, however, another reason why Inco may have seen this as a wise investment: the Zacapa-Lake Izabal region where the concession lay was not just home to nickel; it also had become an operational base for guerrilla rebels fighting the repressive military regimes that had taken control of the country following Arbenz's deposition (McFarlane 125). Given the rebel activity in the region, and the fact that the huge area of land granted to Inco was already inhabited by indigenous Mayan Q'eqchi' subsistence farmers, it was clear what kind of "cooperation" the military dictators could provide; in 1963, Peralta promised Inco that the Guatemalan military would "stabilize" the situation in the El Estor region to facilitate their mining activities (126). He kept his word: three years later, in 1966, the

commander of a military base in Zacapa, Colonel Carlos Arana Osorio, led a battalion of troops — accompanied by U.S. Green Beret advisors — to clear the land of its inhabitants and make way for Inco's activities. Unsurprisingly, the Mayan Q'eqchi' campesinos living on the land were less than enthusiastic about the evictions they faced, and Arana achieved his objectives by unleashing a reign of terror upon the region that is difficult to overstate. Upwards of 6,000 innocent campesinos were massacred in the region in the span of a few years in the late 1960s. McFarlane cites an account of the operation offered by author Regis Debray:

> The mutilated bodies of peasants were left lying on their doorsteps. The army, under threat of torture, forced prisoners to torture other prisoners, and some traitors who no longer stood to lose anything became what can only be described as torturing machines to their former comrades, before themselves being killed by their masters. (McFarlane 127)

Throughout the massacres in the region that were "clearing" and "stabilizing" the area for the mine, Inco received strong support from the Canadian government, and Canadian diplomats working in Guatemala effused over the economic benefits that the military's "stability" initiatives could bring (123-6). In 1968, Canadian Ambassador S.F. Rae and the embassy's commercial counsellor, R. Douglas Sirrs, paid a high-profile visit to the mine site, posing for publicity photos touring and inspecting the construction of the site (129). The signal was clear: Canada officially and wholeheartedly embraces Inco's activities in the region, despite the reign of terror that was facilitating their activities. McFarlane argues that for the Canadian government, the mine represented "the linchpin of any future Canadian economic empire in Central America," and throughout the 1970s, the government provided Inco's Guatemalan project with support in the form of diplomatic assistance, as well as tens of millions of dollars worth of interest-free loans from the Export Development Corporation (since renamed Export

Development Canada).[110] When Canadian opposition critics rejected the government's rationale and lambasted it for providing funding that not only was "not tied to the purchase of as much as one Canadian drill rod," but also came at a time when Inco was laying off thousands of workers at its Sudbury and Thompson, Manitoba mines, the Trudeau government defended its support, contending that Inco's Guatemalan mine provides badly needed development to impoverished Guatemalans (148).

The enthusiasm of Canadian government representatives was not matched by many Guatemalans, and a mounting protest movement saw opposition to the Guatemalan government's dealings with Inco emerge from various sector of society. The School of Economic Sciences at the National University of San Carlos in Guatemala City became a focal point of opposition (Driever 36). In May 1969, a committee of lawyers and academics from San Carlos published a scathing report, rebuking the Guatemalan government for corruption in the deal that it had signed with Inco, accusing it of forging a partnership that is of minimal net benefit to the country. Amongst other recommendations, the report called upon the government to rewrite the fundamentally unjust 1965 mining law, written by Inco; to repeal the generous tax concessions granted to Inco and impose a minimum effective tax rate of 30% on the value of the nickel matte produced; and to overturn the terms of the agreement with Inco that allowed the mining company to freely repatriate its profits abroad (Swift 74; Driever 36). The following year, in 1970, Colonel Arana — the man who had overseen the massacres of Mayan Q'eqchi' campesinos in the Zacapa-Izabal region (and nicknamed the "Butcher of Zacapa" as a result) — became president through a fraudulent election (McFarlane 130). In his campaign, he had declared that if elected, "all Guatemala will be like Zacapa" (Swift 70), and promised that he would "turn the

[110] The first EDC loan, in 1973, provided Inco with $17.5 million. A second loan, in 1977, provided an additional $40 million (McFarlane 148; Swift 73).

country into a cemetery in order to pacify it" (McFarlane 130). Upon taking the presidency, Arana immediately suspended civil liberties, and within several months of the election, two of the authors of the report criticizing the government's deal with Inco — law professors Julio Camey Herrera and Adolfo Mijangos López — had been assassinated.[111] A third — Alfonzo Paiz Bauer — was attacked but survived the assassination attempt, and a fourth — Rodolfo Piedra Santa — fearing for his life, fled into exile. The UN-backed Truth Commission determined that these men were victims of reprisal for having criticized the government's dealings with Inco.[112] Arana certainly had the resources to fulfill his election promises; in the sixteen years since Arbenz had been overthrown, the U.S. had supplied Guatemala with over $100 million in military aid (Acker "Inco in Guatemala" 6).

In early 1971, a month after Mijangos' assassination, president Arana ratified a final agreement with Inco, based upon previously negotiated terms that had elicited such protest (Swift 75-6; McFarlane 130). Inco spent the next several years attaining financing, and began construction of the mine in 1974 (Driever 34). Throughout the 1970s, the Guatemalan military and paramilitary death squads maintained a heavy presence in the region, both helping to guard Inco's concession and ensuring that its eventual workforce would be non-unionized (McFarlane 130). Perhaps still with bitter memories of a four month strike at its Sudbury operation in 1969 that cost the company millions and ended with the union scoring some major concessions, as well as a further United Steelwork strike in Sudbury in 1978-79, Inco's Guatemalan workers

[111] On December 10, 1970, shortly before he was killed, Mijangos stated that "the army believes that its mission is to pacify the country in the interests of U.S. security. The Colonels surrounding Arana have fallen in with the U.S. plan of using national armies to do the police work for them… Every time I leave home to go to my office, my wife wonders if it's the last time we'll see each other. One hopes for a quick death. That's all." See E. Lewis (1971), as qtd. in Swift (1977), p. 76.

[112] See the timeline, *supra* note 108, for links to UN Truth Commission documentation on these executions.

were not only non-unionized, but according to Swift (1977), prospective workers were asked to disclose if they had ever been trade unionists (Swift 78).[113]

The mine officially opened on July 12, 1977, with an opening ceremony in which the Canadian Chargé d'Affaires William Taylor raised the Canadian flag and Guatemala's president, Arana's successor, General Kjell Eugenio Laugerud, raised Guatemala's flag, while a Guatemalan military band played Canada's national anthem (Swift 77; McFarlane 149). The mine not only made Inco the largest single investor in Guatemala in the 1960s and 70s, but in all of Central America (McFarlane 11). According to a 1995 report, the concession's proven reserves exceed 54 million tons of lateritic nickel ore (Dunn 5).[114] The mine operated by removing 22-foot strips from the hillsides, then transporting the earth to the processing plant on the shores of Lake Izabal, where diesel-powered smelters produced a nickel matte that was then barged across Lake Izabal to a port on the Caribbean Sea, where it was shipped abroad for refining. At full capacity, the mine employed approximately 900 workers (Swift 76; Driever 34),

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[113] Acker (1980) reports that Exmibal president Harold A. Laine denies allegations that new hires were required to reveal their past union affiliations, nor sign documents swearing that they would not seek unionization. Nonetheless, it is clear that a cheap labour force was one factor making its Guatemalan project attractive to Inco. Without noting the irony, Bradbury (1985) surmises that one of the attractive features of working in the "Third World" for Inco is the "low labor cost and the absence of militancy" (131). Only several sentences later does the reader realize that by "militancy," Bradbury actually refers to organized labour; he notes that its foreign ventures contrasted with its Sudbury mine, in which "production costs rose [and] labor was perceived to be more militant." With the backing of the brutal Guatemalan military and paramilitary forces, Inco could indeed hope to enjoy a less "militant" Guatemalan labor force: at the time of Inco's operation in the country, labor leaders were routinely targeted for kidnapping, torture and assassination. Three successive general secretaries of the Coca Cola plant union were assassinated; when 27 members of the National Workers' Confederation (CNT) gathered on June 21, 1980, to plan the funeral for one Coca Cola union officer who had been killed the previous day, the meeting was ambushed by 60 plainclothes men, presumed to be national police, military and/or paramilitary death squad members. All 27 labour organizers were kidnapped, never to be seen again. Their fate, like the other tens of thousands of "disappeared," was almost certainly to be tortured and killed. In responding to journalists' queries about the incident at the time, a police official, Vajiente Tellez, stated that neither the police nor military knew anything about the abductions, and claimed that the CNT was merely seeking "to cause problems for the authorities" in their reporting of the incident (Acker 7-8). For further information on the disappearances, see Amnesty International, "Guatemala: All the Truth, Justice for All" AMR 34/002/1998 (May 13, 1998). Available at http://www.unhcr.org/refworld/docid/3ae6a9ba4.html (accessed 20 January 2013).

[114] In 2009, then mine owner HudBay Minerals reported that the concession contains "41.4 million tonnes of mineral reserves and the potential to produce 50 million pounds of nickel per year over 30 years" (Grainger).

although it scarcely operated at full capacity. In March 1978, less than a year after its opening, Inco laid off half of the workforce and ceased operations for four months while it modified the processing plant (Bradbury 138). In 1979 — its first full year of production — it stripped 14 million tons of ore from the hillsides, which was far below the 60 million annual tons that Inco had earlier forecast (Acker "Inco in Guatemala" 6). That year also saw the price of oil increase dramatically, while the price of nickel fell. As noted, Inco relied upon diesel fuel to power its smelters, and the company stated that it was losing tens of millions of dollars annually because of high oil prices and the relatively low market price for nickel matte (Driever 34). In August 1980, Inco "stunned its friends and partners in the Guatemalan military," by announcing that it would be closing the mine until oil prices decreased and nickel prices increased (McFarlane 131). Inco closed the mine over the course of 1981, and by January 1, 1982, it was fully mothballed, with Inco writing it off in late 1982 for $219.6 million U.S. (Bradbury 138). The mine has never reopened, although Inco retained control, maintaining a constant security force to guard the plant and concession in the event that conditions favour its eventual reopening at some point in the future.[115] Some scholars, such as Bradbury (1985), Solano (2005) and Behrens (2009) cast doubt upon Inco's official reasons for closing the mine, noting that at the time that Inco decided to shutter the project, the Guatemalan government had been seeking higher tax payments[116] and workers at the plant had been attempting to unionize (139).[117] Despite company

[115] A 1995 article from a mining trade journal reported that Inco was then spending $200,000 per year on maintenance and security. Beyond guarding the mine and processing plant, the well-armed private security forces also stand guard over the miniature townsite that Inco had built for the company's executives and their families, replete with a golf course, swimming pool, tennis courts, hospital, school, movie theatre and 300 executive homes (Dunn 5; Amuchastegui 28). These facilities still lie dormant and are guarded to this day.

[116] Solano (2005) documents how EXMIBAL hid profits to avoid paying taxes or royalties to the Guatemalan government, paying virtually nothing over the span of its operation. Inco's announcement of the mine's closure came on the heels of the Guatemalan government's presentation of a new contract to the company, demanding remittance of 5% of the value of the nickel extracted (Behrens).

claims, the mine's contribution to local development and the national economy is highly questionable; Driever (1985) asserts that even had the mine operated at full capacity in 1982, "it would have accounted for less than 0.8% of Guatemala's gross national product" (36).

Popular opposition to the mine did not cease during its construction, operation, nor after its announced closure, and several of its perceived opponents met the same fate as the authors of the 1969 report criticizing the terms by which the mine was allowed to proceed: in 1978 and 1981, several community leaders who had opposed the mine were assassinated, either by mining company employees or by police travelling in mining company vehicles (Imai, Maheandiran and Crystal 2). One current community member, Vicente Bac, explained in a 2006 interview:

> When our elders found out that this land belonged to the mining company, they began to petition INTA [the federal land registry] to give them the land. They went back and forth between Chichipate and the capital, making demands. A story appeared in the press that they were making a land claim. And so the company began to persecute them. (Amuchastegui 32)

One of those making land claims was Bac's cousin, Pablo Bac Caal. He had been an outspoken community leader advocating for the land rights of the indigenous Mayan Q'eqchi' campesinos who had been displaced to make way for the mine, and had been pressing the government to return the stolen land. He was assassinated in 1981, as were two other community members pressing the land issue, Benancio Asig and Hermelindo Pan. The 1999 UN Truth Commission linked the mining company to these, and other cases of targeted execution of those who opposed the mining project and the terms by which it was proceeding.[118]

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[117] Labour relations were never quite what Inco had hoped for in Guatemala: not only were its workers engaging in efforts at forming a union, but in late 1979, the smelters were shut down by a 17-day wildcat strike, launched by workers protesting poor pay and working conditions. The workers were earning approximately $2 per day (Driever 39), compared with $7.40 per hour earned during the same period by Inco's unionized workers in Sudbury (Acker 7).

[118] See the timeline, *supra* note 108, for links to UN Truth Commission documentation on these executions as well.

Skye Resources Purchases the Mine

Despite speculation at several points in the 1980s and 90s that Inco might reopen the mine, such rumours never materialized. The 40-year concession granted to Inco in 1965 was set to expire at the end of 2004. In 2003, Ian Austin, the former Treasurer of Inco, became president and CEO of Vancouver-based mining company Skye Resources. In December of that year, Skye signed an accord with Inco in which Inco agreed to transfer its abandoned Guatemalan nickel concession to Skye after various conditions were met — one of which being the Guatemalan government renewing the mining concession. As local communities became aware of plans to reopen the mine, they became incensed at the lack of local consultation. The fact that the mine to be developed was on land that local communities asserted had been stolen from their ancestors 40 years earlier, only added insult to injury. Protests began almost immediately. Canadian mining company watchdog NGO MiningWatch Canada partnered with the El Estor Association of Community Development (AEPDI) — the Guatemalan NGO mentioned in Chapter 2, founded by Catholic priest Daniel Vogt — and gave voice to local concerns. Vogt stated that "the Indigenous communities are fearful that renewed mining in the area will ruin their lands and destroy their culture. Inco must respect the communities' rights and be proactive in compliance with the legal norms that guarantee those rights."[119] In 2004, according to plan, Inco sold their share of Exmibal and the huge Niquegua concession to Skype, and on December 13, 2004, just days before the expiry of the 40-year concession that Inco had received in 1965, the Guatemalan government granted Skye a 3-year exploration license (permit # LEXR-902). In April 2006, a 25-year exploitation license was granted (renewable for an additional 25 year term). The Guatemalan government's interest in the project was diluted from 30% to 7.6%, giving Skye

[119] See MiningWatch Canada/AEPDI press release, "Inco's Mineral Concessions in Guatemala Violate International Agreements and Peace Accords." April 21, 2004. Available at: http://www.miningwatch.ca/inco-s-mineral-concessions-guatemala-violate-international-agreements-and-peace-accords (accessed 22 January 2013).

92.4% ownership over the project. Skye renamed their newly-acquired Guatemalan subsidiary Compañía Guatemalteca de Níquel S.A. (CGN) and renamed the mining project, Fénix (the Phoenix Project), ostensibly representing its hopes of raising the mine out of the ashes of its history.

History, however, was quick to repeat itself. Skye announced plans to re-open the mine in 2009, with construction slated to begin in 2007. Locals from the surrounding communities were outraged that, once again, they had not been consulted about the development of a mining project on their territories. In March 2005, as CGN began exploratory drilling, the surrounding communities filed a complaint (formally referred to as a "representation") with the ILO, arguing that their rights to prior consultation as granted in Convention 169 had been violated. The claim was formally filed by the farm workers' union, Federación de Trabajadores del Campo y de la Ciudad (FTCC), and the Defensoría Q'eqchi' — the social justice programme of AEPDI. The representation stated that the new exploration licenses — covering an area populated by approximately 6,000 people over nineteen communities — ignored local community concerns, including widespread desires that the mine not be developed altogether. The representation stated that the mining licenses were granted without first having obtained the free prior and informed consent of the local Mayan Q'eqchi' inhabitants. It stated that the granting process,

> failed to adopt measures to safeguard the integrity of the Q'eqchi' Mayan people. For the Q'eqchi' Mayans, as with other indigenous peoples, their territory is a fundamental element for their survival, not only as individuals, but also as a people with its own characteristics. Further, for the Q'eqchi' Mayans, the extraction of any component of its territory that is not subject to the rules and customs of their culture, affects their world reality and as such, their cultural integrity as a people.[120]

[120] See AEPDI press release, "ILO Investigates Claim Charging Violation of Convention 169 Regarding Skye Resources' Guatemalan Nickel Project." August 16, 2005. Available at: http://www.miningwatch.ca/ilo-investigates-claim-charging-violation-convention-169-regarding-skye-resources-guatemalan-nickel- (accessed 22 January 2013).

On August 12, 2005, several months following the filing of the representation with the ILO, the elected and appointed representatives of twenty Q'eqchi' Mayan communities in the municipality of El Estor, Izabal and Panzós, Alta Verapaz, published an open letter to Ian Austin, president of Skye Resources; Óscar Berger, Guatemala's president; and the country's minister of mining.[121] The authors of the letter declared their support for the grievance filed with the ILO several months earlier, stating that:

> the granting of the new mining licenses was never consulted with our Q'eqchi' Mayan communities and in repeated occasions we have declared our rejection of the reactivation of open pit nickel mining in our territory. Therefore, we support the representation claim lodged with the International Labour Organization that charges that the new licenses were granted illegally thereby violating our rights guaranteed in Convention 169.[122]

The letter goes on to express frustration over recent attempts at engaging the mining company in dialogue. It states that over several meetings, community members had tried to explain to mining company personnel "our opposition to its exploration activities that endanger our crops and food security, our sources of water, our natural environment and our identity as Q'eqchi' Mayans" (ibid). Despite this, the letter claims that the mining company has continued to pressure surrounding communities to renounce their rights and allow exploration on their territories. It also accuses the mining company of having repossessed areas of land that had been rented for decades by several communities for subsistence agricultural purposes. The letter also alleges that environmental damages had already been caused, stating that "the exploration activities are already contaminating our rivers and creeks, harming our families for the lack of clean water. The exploration activities already have caused an increase in deforested areas. In

[121] The letter was signed by the communities of Nueva Sacarila, Rubelpec, Sarabia Chacalte Lote 2, La Caoba, Selich, Agua Caliente Lote 9, Chinamocooch, Las Nubes, Sacarila, Santo Domingo, Sechina Lote 15, Nueva Jerusalém, Río Sauce Sexán, Rubelhu, and Agua Caliente Lote 4 in El Estor; and Lagarto, Santa María, Quebrada Seca, Cahaboncito Lote 8, Caquiha Lote 7 and Taquinco Searanx in Panzós.

[122] The letter is available onlnie at http://www.miningwatch.ca/open-letter-guatemalas-president-mining-minister-and-skye-resources (accessed 18 January 2013).

the past several days, massive fish and aquatic bird kills have been reported in Lake Izabal close to the company's plant" (ibid). The letter closes with four clear and direct demands:

1. The immediate suspension of the illegally granted license and of all of CGN's mining exploration activity in the territory of the Q'eqchi' Mayan communities affected by the mining project.

2. The repair of the damages caused by exploration activities, planting of trees and reintroduction of lost species, to be paid for by CGN. Also, the areas devastated by the previous mining project must be returned to their original natural state and given to Q'eqchi' Mayan communities. The abandoned compounds should be granted to institutions or organizations committed to fostering education, health and community development in the region.

3. The company not to continue misleading, dividing and intimidating our communities.

4. The land titling and registry project be advanced in the communal lands in our townships; and in the meantime, the historical land boundaries established by the Q'eqchi' Mayan communities be respected until final legal title is granted to them (ibid).

Skye presumably found these demands difficult to engage, as community members stated that while they had been trying to dialogue with the company about these matters, the company would arrange for meetings, then never show up. Locals expressed concern that the mining company was not engaging in dialogue on good faith, but rather using the pretense of dialogue as a kind of public relations exercise, to create a public facade that suggests that they are reasonable and rational in seeking to resolve local disputes, but in reality express no interest in heeding local grievances.[123] Skye may have found those grievances impossible to heed, however, as they may have perceived the gap between the two positions to be unbridgeable: the local population was arguing that the mining company has occupied stolen land, while Skye was claiming that the land in question was legitimately theirs, having recently purchased it from Inco. The local population was demanding that Skye return what they referred to as land stolen from their

[123] This was a common sentiment expressed by various community members in interviews in the region conducted in January and February 2007.

ancestors, and leave the area; Skye, however, was publicly announcing plans to reopen the mine, and was seeking close to a billion dollars in financing in order to do so.

Tensions between Skye Resources and the surrounding Mayan Q'eqchi' communities reached a critical impasse in mid-2006, with local communities deciding that they were tired of their voices being sidelined and ignored. In September 2006, one month after the pro-mining "protest march" documented in Chapter 3, approximately 3,000 Mayan Q'eqchi' individuals from the surrounding municipalities of Chichipate and El Estor set up residence on five parcels of land that Skye claimed to own. On November 11, 2006, police arrived to evict them from two different areas — Barrio La Pista and Barrio Revolución. Rather than reading an eviction order, they fired tear gas and 12-gauge shotguns to drive people off the land and up into the surrounding hills (Amuchastegui 29). The living structures that people had built were destroyed. As soon as the police left, however, those who had been evicted returned to the land and rebuilt.

Guatemalan authorities announced that a second series of evictions would take place on January 8-9, 2007. At the time of the announcement, I was working in the Siria Valley in neighbouring Honduras, filming *All That Glitters Isn't Gold.* I travelled to the areas threatened with eviction in order to document what would transpire. While an earlier eviction that had been announced for December 2006 did not materialize, on the night of January 7, 2007, the nearest town of Rio Dulce was filled with hundreds of police who were spending the night. It was clear that this time, the evictions would proceed.

Five areas were evicted over the following two days. The first area to be evicted on the morning of January 8, was Barrio Unión, near the town of El Estor. Hundreds of police made their way through the fields to the areas where approximately 70 families had been living (Paley). Community members living there gathered in tense anticipation. Mining company

lawyers stood with the police. The public prosecutor, Rafael Andrade Escobar, emerged and read an eviction notice, declaring that the land in question was property of CGN, and that those residing there must vacate. Representatives of the Defensoria Q'eqchi' were on hand with maps listing the property title numbers that correspond with the parcels of land in the area. They advised the public prosecutor that the title number that he had read on the eviction notice did not correspond with the area of land where the evictions were to take place, making the evictions illegal. Andrade appeared to make some calls, but it was to no avail; workers hired by the mining company were directed to begin dismantling people's homes, while the residents stood by and watched.[124] The tension in the air was palpable.

One resident of Barrio Unión, Concepcion Kim Tiul, watching her home being dismantled, erupted into a passionate condemnation of the evictions. She began by addressing one of the police officers overseeing the dismantling of her home, asking, "Where are we going to go? We were born here in El Estor. We're the owners of these lands. They don't belong to the company. The company is foreign. We have the right to live here. Foreigners can't just

[124] According to the Defensoria Q'eqchi', the same eviction order was read in all five communities, although the property title number on the order corresponded to none of them. This fuelled suspicion that, despite its repeated claims, the mining company may not actually have legal title to the lands being evicted. Distrust in this regard had already been running high; the residents of one of the evicted communities — Barrio La Paz — maintain that for four years, 58 families had been collectively paying the mining company 8,100 quetzals annually to grow crops on that land, which has an area of 29.5 "caballerías" (in Guatemala, 1 caballería equals approximately 45 hectares, or 111 acres; the land of Barrio La Paz is thus approximately 1327 hectares, or 3275 acres, which is roughly 13 km^2). In mid-2006, they were confronted by a wealthy landowner and owner of an import/export business, Francisco López Fuentes, who was surprised to see people on the land. He claimed to be the rightful owner of that parcel of land, and produced a land deed to corroborate his claim. Shocked, the community members and López, together with the Daniel Vogt and another church leader, paid a visit to the CGN office in Guatemala City. López produced his property deed and asked the mining company to produce theirs. They refused, but insisted that they are the rightful owners of the land in question. Shortly thereafter, the community members who had been paying the mining company an annual rent decided that they would cease paying the rent, and would move onto the land instead. They claim that López supports them, and is willing to sell them that parcel of land. Residents of La Paz state that when the police came to evict them, they produced copies of López's land title which he had given to them. It had no effect.

come here and take advantage of our lands."[125] As the officer ignored her pleas, she furiously railed against the injustice of the evictions, occasionally eliciting cheers of support from other community members. She implored,

> Don't they feel sorry for us? If they're going to do this they should pay us for the time it takes us to clear the terrain. The company should not be doing this. We're going to gather people to drive out the company, so the company won't be here extracting minerals in our town, because we are indigenous people. We are Q'eqchi'. We are the owners of this land! We want the company to get out. Just like you are able to think, so are we. Before, we were not fully aware of injustices, but now, no. The people are prospering now. This should not be happening! We want the company to get out. We want the company to leave. We don't want it here. We don't want the company anymore. No more. We don't want it anymore. Look what the company is doing — eviction. And our children? Where are we going to go now?! To the wilderness?! Or if not, give us some land so we can rebuild our homes so our children can have a roof over their heads. You're not thinking about us. You said the company will bring work, and where is the work now? Nothing. Where is the work? They are just taking the minerals and leaving (see Figure 69).

At this point her husband, Don Rene, holding his machete and watching his home being dismantled, interjected, stating, "What about our land, our rights?" His wife continued:

> We have the right to be here. Our children need a place to live, and now where will we go? We're eating shit here, and they're happy. They said it would bring great benefit to the people of El Estor — what is the benefit now? The eviction is the benefit that the company is giving us. That's what it's giving us. Just like they did to us here, the company should get out… They think we're stupid, don't they. We'll see about that. How can they come here to evict us? That's what we have to do — evict the company.

Following the evictions in Barrio Unión, the contingent of police travelled up the road to the next community to be evicted — Barrio La Pista. Here, workers took chainsaws to people's homes, while again, the local residents stood by watching. The next day, January 9, three communities were evicted: Barrio La Paz, Barrio Revolución and Lote 8. In Barrio Revolución — the largest and most organized of the five communities — workers, who attempted to mask their faces with what appeared to be black shoe polish, burned down people's homes, while the

[125] See the accompanying documentary, *Desalojo (Eviction)*. Also available at http://www.rightsaction.org/video/elestor

police stood by and supervised (see Figures 70-74)(Paley). The military was also involved on this second day, and both soldiers and police officers came armed with automatic weapons (see Figures 75-77).[126]

The day following the evictions, on January 10, 2007, Skye Resources released a press release in which company president and CEO Ian Austin expresses his gratitude to the Guatemalan Public Ministry and National Police Force for "the professional manner in which this unfortunate situation was resolved." He also expresses gratitude to "the stakeholders on both sides of this dispute for maintaining a peaceful atmosphere during this action." Positioning the company with many of the discourses of rationality and commitment to dialogue that were expressed by Goldcorp executives in the previous chapter, and referring to those evicted as "squatters," Austin continues that "we regret that our previous attempts at settlement of this issue

[126] Paley (2007) provides a detailed account of this incident, noting its similarity to events that occurred during the Guatemalan internal conflict: "The morning of the 9th, the police and army mustered again at the CGN-Skye Resources headquarters. Police trucks lined the road in a grim parade, stretching for hundreds of metres, each carrying four or more heavily armed, black-clad policemen. Armed private security guards rode in a white pickup, wearing company t-shirts. Other security guards were positioned on the cliffs along the roadside, and from up above, a helicopter carried out flyovers of Barrio Revolución and Barrio La Paz. At about 9:45am, the convoy began to roll towards Barrio Revolución. Instead of sending a public prosecutor to read an eviction order, elite squads of riot police entered Revolución, moving up the river that runs through the centre of the community. Once the river was secured, police began to encircle the area, closing the people of Revolución into the western portion of the area, where many were mustered in their gathering place, awaiting the arrival of the public prosecutor. Surrounded by police, about 50 people waited for the public prosecutor to read them the eviction notice. Among them were about a dozen women, including a mother holding her infant child and a few younger children. Time passed, and the police completely sealed off the area where people were gathered. In the distance, an orange spot appeared. As it grew, brown smoke began to rise up into the air: a house on the other side of the river was burning. Public Prosecutor Andrade Escobar stood aside while a second house was set on fire, and a third. He claimed that there was no signal on his cellphone to call over and order his men to stop burning. Andrade Escobar continued to claim that the order to stop the burning had not arrived to the other side of the community. He claimed that he would have the Public Ministry press charges against the company employees that were burning the houses of the families of Barrio Revolución. When asked why company employees were burning homes when it is the public ministry that was to carry out the eviction order, Andrade Escobar responded: 'I handed authority over that section of the area over to a [CGN-Skye Resources] lawyer, therefore those responsible for this are company employees, not the public ministry.' After nearly every home in the eastern section of Barrio Revolución was on fire, the two dozen people hired by the company to destroy homes were stopped. While heat continued to radiate from the smouldering structures, approximately sixty members of the army filed across the field and into the forest surrounding the community. César Bora of the Indigenous and Peasant National Coordination (CONIC) described the situation as having 'the same characteristics that we saw in many other cases during the internal conflict.' Their houses now replaced by charred wood, the community remained sealed in by police and army, while Andrade Escobar read the eviction notice. He ordered the residents of Barrio Revolución to dismantle their homes if they hadn't already been burned."

through dialogue were unsuccessful, but we also reaffirm our commitment to continue our discussions on the matters of concern with the local communities in the El Estor region" (see Appendix A). Austin restated this position in a March 19, 2007 interview with Carol Off on CBC Radio's *As It Happens*.[127] He claimed that Skye had been trying to "work with the communities," and stated that,

> we were really disappointed when people moved onto the land to which we have legal title in September/October [2006]. So we tried to have dialogue with people, because we've constantly sought dialogue over confrontation. We weren't successful, and in due course we went to the courts, and the courts organized for…an eviction of the people in early January… We were pleased that generally the process was done peacefully.

Austin claims that Skye is engaged in "productive conversations" with the communities to resolve long-standing land disputes. When Off then suggests that that would indicate that ownership of that land is contested, Austin denies this, maintaining that "the legal title is very clear." Later in the interview, Off asks pointedly who owns the rights to the lands in question; when Austin responds that Skye does, Off further inquires as to when Skye acquired those rights. Austin states that they were acquired from Inco in 2004. Off then probes further, questioning the legitimacy of the legal rights that Skye claims to hold:

> The claim is that the 1965 purchase of Inco from the [Guatemalan] government, it was a military dictatorship, that was at that time evicting or disappearing people by the tens of thousands, and that the claim for the people who are protesting this are saying that Inco acquired the land that you are now making claim to. What do you say to those charges?

Austin stammers, then dodges the question, boasting instead of the company's initiatives of working with the local communities "to create a future for those people." Much like the discourses on "development" proffered by Goldcorp, as examined in previous chapters, Austin claims that "we're trying to find ways to resolve these issues in a way that allows the community to advance." When confronted with the materiality and history of the present situation, the

[127] Interview available in the Extra Features section of the accompanying *Desalojo / Eviction* DVD. Also available at: http://www.rightsaction.org/video/elestor (accessed 2 February 2013).

company routinely dodges the issue, opting instead to invoke the discourse of seeking "dialogue" with the affected communities, whose "development" — or as Austin states, working "to create a future for those people," is what really matters.

The Canadian Government and the Politics of Delegitimacy

I produced a 10-minute video documenting the evictions at Barrio Unión and Barrio Revolución, and posted it on YouTube. It began to circulate throughout Guatemala and beyond, and along with an independent journalist's report on the evictions,[128] it called into question Austin's version of the "peaceful" and "professional" atmosphere maintained during those two days. One group that began to use the video in its advocacy work was a delegation from the Canadian social justice solidarity group, the Maritimes-Guatemala Breaking the Silence Network (BTSN). On February 21, 2007, five members of BTSN met with Canadian Ambassador Kenneth Cook, in his office in the Canadian Embassy in Guatemala City. They expressed concern over Skye Resources' treatment of the indigenous Mayan Q'eqchi' community members who had been evicted the month previous. They raised my video as one piece of evidence that gave rise to their concerns. Cook's response was that the video is misleading and lacks credibility, because the indigenous woman at the heart of the video (Concepcion Kim Tiul) who angrily rails against the injustice of the evictions, was actually an actress from the town of El Estor who had been paid to "perform" in this manner. Furthermore, the photographs that I display in the video — some showing homes being burned to the ground and people in abject despair as they watch — were not actually shot at the evictions, as I had claimed; rather, they are very old photographs dating back to the Guatemalan internal conflict (which ended in 1996), which he had seen many times over the years. As an example, he stated that the picture of the

[128] See Paley (2007).

old man with his head in his hand in despair (see Figures 78-79) has been used in the country for years, and that he himself had seen that very photograph many times over the years. He expressed concern that a PhD student would produce a work so lacking in credibility. The ambassador also allegedly disputed claims that human rights violations had occurred in the region, and stated that "moral flexibility is a necessity in business. One just hopes that the pendulum doesn't swing too far." The BTSN delegates did not question the ambassador's claims that the video contained false aspects, but rather received them as potentially credible information. This was noted by the leader of the BTSN delegation, Kathryn Anderson, in a March 15, 2007 radio interview with Helen Mann on CBC Radio's *As It Happens*:

> HM: Tell me about your meeting with Ambassador Cook. What was the purpose for you getting together with him?
>
> KA: The purpose of our meeting was to discuss with the ambassador the mining situation with Canadian companies in Guatemala.
>
> HM: Was anyone at the meeting with you?
>
> KA: Well there were five of us — five members of the Breaking the Silence Network.
>
> HM: And what did Ambassador Cook say about the documentary?
>
> KA: Well what he suggested to us was that a photo was used of a man that was in fact a photo that had been around for many years and had been used, and that he had seen it in other places. And he also suggested that a woman had been paid to act in the YouTube video.
>
> HM: And you say he suggested. Did he say it directly?
>
> KA: He said it directly, yes.
>
> HM: How did you react?
>
> KA: Well at that time we were just listening, and we did not push it any further. We simply heard that as information from him.
>
> HM: Did he provide any context for his comments? Did he say anything else?
>
> KA: No, other than suggesting that the YouTube video might be lacking in credibility.

HM: And nobody asked any further questions or anything of him with regard to that?

KA: No, because we were just listening at that point.[129]

By complete fluke, I ran into the BTSN delegates at a dinner later that evening. I had never met, nor had any contact with any of them previously. While their meeting with the ambassador earlier that afternoon had been agreed upon as off-the-record, they were clearly disturbed and shared his claims with me, questioning me about the authenticity of the video. They were concerned that my video, which they had been using to advocate for the people in the region, may have been fabricated. I was astonished to hear what the ambassador had told them, and adamantly defended the video. I advised them that the ambassador's claims were patently, wholeheartedly false. No one had been paid to "perform" in the video. No old photographs had been used; every photograph shown in the video was indeed shot by photographer James Rodriguez at the evictions, as claimed in the video. The next morning, I put Anderson in touch with independent journalist Dawn Paley, who was also present at the evictions. Paley confirmed that every element of the video was an accurate representation of the events of January 8-9; she confirmed that the ambassador's claims were entirely false.

I had met with Ambassador Cook on February 20, 2007 — one day before the BTSN delegation had met with him. I had requested the meeting months earlier, before the evictions had even happened, to discuss my concerns regarding the conduct of Canadian mining companies operating in the region. We had a two-hour meeting in his office in the embassy in Guatemala City. While the contents of our discussion were agreed upon as off-the-record, at no point during our meeting did he express any concerns regarding my video — with its authenticity or otherwise. He also had my Guatemalan cell phone number and e-mail address, and at no point

[129] See 'Extra Features' on the accompanying *Desalojo / Eviction* DVD. Audio and transcript of the interview also available at http://www.rightsaction.org/video/elestor

before or after the meeting did he attempt to contact me to question me about any concerns that he may have had regarding the video. On February 22, after having put Anderson in contact with journalist Paley, I wrote the ambassador an e-mail. I advised him in no uncertain terms that his claims, as presented, were entirely false, and asked for an explanation as to why he would spread this misinformation. I stated that all of the photographs shown in the video were indeed shot at the evictions, as I had claimed in the video, by photographer James Rodriguez. I assured him that the woman in my video was not an actress. I inquired as to whom he had thought might have paid her to "perform" in this manner. I offered to put him in touch with her, to put his mind at ease on the matter. I asked that he clarify why he made these statements, and also asked that he cease making misrepresentations that cast aspersion on my work and interfere with my constitutionally guaranteed rights of freedom of expression.

While I had contacted him at his Canadian government e-mail address — the only address that I had for him — two days later, he replied from his private Hotmail account. He indicated that he was no longer in Guatemala, but would like to meet with me when he is back in the country; if that were impossible, he offered to speak by phone. Meeting in person would have been impossible for me, as I was scheduled to return to Canada in a matter of days. Before I could reply to him, however, I telephoned a priest in the region whom I knew, to bid him farewell.[130] He warned me to be careful: he stated that the bishop in the region where the evictions had taken place had recently received a telephone call from Ambassador Cook. According to the priest, Cook had advised the bishop that my video was a fabrication — that the woman had been paid to perform, and that I was the one who had paid her. The priest also advised that the ambassador had stated that, again, I had used old photographs and fraudulently

[130] This individual has since asked to be kept nameless.

depicted them as current. I now took this matter far more seriously. The ambassador appeared to be engaging in concerted, repeated efforts to discredit the video. It became clear that this was slander, whose main effect was to delegitimize the voices contained in the video: the voice of Concepcion Kim Tiul becomes almost meaningless if her words were scripted and she had been paid to perform them. The images of campesinos in despair as their houses are burned to the ground likewise become almost meaningless if they were actually old stock photographs that had been falsely represented to be from the recent evictions. His comments served to completely undermine the truth-bearing testimony of the collective voices of the already-marginalized and dispossessed victims of the evictions. His comments also thoroughly discredited me, casting me as a deceitful, manipulative propagandist, which is precisely in line with the discourse on the "anti-mining activist" examined in the previous chapter. The ambassador's claims turned a document that challenged and problematized the claims of the a Canadian mining company, into a piece of carefully constructed propaganda. Only two years earlier, as noted in the prologue, the Canadian Embassy in Guatemala City had provided me with disinformation that served to delegitimize those problematizing or opposing the operations of Canadian mining companies in the region. Now, just over two years later, similar disinformation was emerging from the embassy about me.

I replied to the ambassador on February 27, advising him that meeting again would not be possible as I would no longer be in the country when he returns. I also stated that I was in a different position than when I had written my first e-mail only days earlier. As it now appeared that his conduct was repeated, I informed him that while I still welcomed an explanation from him, I would now be seeking an official explanation from the Department of Foreign Affairs and International Trade (DFAIT) in Ottawa. On February 28, 2007, I contacted DFAIT in a public

letter addressed to Peter MacKay, who was then Minister of Foreign Affairs; James Lambert, the former ambassador to Guatemala who had since been promoted to the position of Director General, Latin America and Caribbean Bureau at DFAIT; and Ambassador Cook. The letter, which was copied to other selected federal politicians, bureaucrats and media outlets, provided some historical background for the evictions, outlined and rebutted Cook's allegations regarding the video, and situated his actions in the context of a federal government that exhibits tendencies of privileging Canadian extractive industries operating abroad, often at the expense of the local communities surrounding the projects (see Appendix B). I also attempted to reach the Minister MacKay by telephone to discuss my concerns with the ambassador's conduct, but my calls were not returned. MacKay finally replied to my concerns in writing, in an e-mail dated June 22, 2007, nearly four months after having received my correspondence. His letter failed to address any of the concerns raised in my letter to him, but rather offered some boilerplate commendation of the conduct of the Canadian Embassy in Guatemala. Invoking some of the discourses similar to those examined in earlier chapters, the letter states that the Canadian Embassy acts as a daily champion for democracy and human rights in the region, advising that:

> The defence of human rights and the consolidation of democratic advances are top priorities for Canada in Guatemala. [Ambassador] Cook is fully apprised of these priorities and continues to emphasize them on a daily basis. As part of a comprehensive and balanced engagement with Guatemala, Canada will continue to promote human rights, democracy and good governance as well as socially and environmentally responsible Canadian investment in that country. (see Appendix C)

Internal correspondence within the Canadian Embassy in Guatemala, within DFAIT in Ottawa, and between the two, casts doubt upon this professed mandate of defending human rights and consolidating "democratic advances." In a 2008 briefing note provided to David Emerson, Minister of International Trade, on the situation of Canadian mining companies operating in Guatemala (see Appendix D), Skye Resources is at various points discursively

constructed as a victim in need of government support; the memorandum states that Skye "has been the target of various protests by indigenous groups, and NGOs," and advises that "in the absence of vocal government and community support before the evictions…Skye risks being vilified again for forced evictions."[131] The indigenous Q'eqchi' campesinos who contest both the legality and legitimacy of Skye's presence in the region are described as "squatters" and "invaders," and the memorandum predicts that "the invasions will likely recur as soon as the police withdraw." It then provides Minister Emerson with background information on Skye's troubles in the region. It notes that the major mine in Guatemala is Goldcorp's Marlin mine, and states that Goldcorp has been "wrongly attacked for removing 99% of revenues from Guatemala" (Appendix D, p.3). This ostensibly refers to the 1% royalty that Goldcorp had been paying on its gross (pre-cost) revenues. Goldcorp representatives have frequently complained that this characterization neglects to mention the revenues that they pay in taxation. The memorandum advises the minister that anti-mining activists use "disinformation and scare tactics" to attack Canadian mining companies in the region, stating that, "the industry has, however, been criticized by environmentalists, indigenous communities, one wing of the church and Cdn and foreign and local non-governmental organizations opposed to mining. *All of these groups have been prepared to use disinformation and scare tactics*" (italics added for emphasis). While the ensuing text has been redacted, it is important to note that the minister is being advised that *all* groups opposing mining use such deceptive and manipulative tricks to attack industry. This reference to dishonest, duplicitous tactics, and stating that *all* groups who oppose mining employ them, homogenizes and demonizes those who work to cast a critical gaze on the actual conduct of Canadian mining companies operating in the region. This memorandum employs the

[131] The document, "Memorandum for Information," was acquired through an Access to Information request filed with DFAIT.

very same discourse of delegitimacy examined in the previous chapter: the homogenized "anti-mining activist" is constructed as a threat to industry, which is a victim of their dangerous and unwarranted attacks.

The memorandum states that Skye "has plans to spend close to a billion dollars to refurbish" the mine, and it lists the company's proposed production output. The memorandum then reiterates an earlier sense that the company is a victim of unjust interference, stating that "land invasions…are impeding the company from conducting normal business" (Appendix D, p.4). "Normal business" ostensibly means Skye being able to operate freely as it desires; there is no reference in the memorandum to the long history of human rights violations by which Inco received the concession originally, nor is there any reference to the 2005 representation filed by local community organizations with the ILO, insisting that the current project is illegal due to the absence of adequate prior consultations before the project was allowed to proceed. Furthermore, on June 4, 2007, the ILO released its ruling regarding the representation: it ruled in the claimants' favour. This was publicly available information at the time that this briefing note had been drafted. The ILO ruling agreed with the claimants that the lack of adequate consultation with the affected communities prior to the granting of the exploration permit in December 2004 was illegal under the terms of the Convention. The Guatemalan government had defended the lack of consultation, claiming that consultation was only necessary when the affected communities hold legal title to the land in question, but those communities residing within Skye's concession lacked legal title, and were thus "illegal" inhabitants, whose consultation was not required. The ILO wholeheartedly rejected this argument, stating,

> the [Guatemalan] Government's expressed opinion that the lands traditionally occupied by the indigenous communities are held illegally, as they do not have ownership title, is

> not in conformity with the Convention [169], Article 14 of which recognizes the rights of indigenous peoples over the lands that they traditionally occupy.[132]

It thus further rejected the Guatemalan government's claim that consultation was not necessary, stating,

> The Committee therefore draws the [Guatemalan] Government's attention to the fact that, as set out in Article 13, paragraph 2, and Article 15, paragraph 2, of the Convention [169], and as reaffirmed repeatedly by the supervisory bodies, the Convention does not require indigenous peoples to be in possession of ownership title for the purposes of the consultations envisaged in Article 15, paragraph 2. The consultations referred to in Article 15, paragraph 2, are required in respect of resources owned by the State pertaining to the lands that the peoples concerned occupy or otherwise use, whether or not they hold ownership title to those lands.[133]

It is more than a coincidence that information of this nature has been omitted from the DFAIT briefing note to the Minister of International Trade. Drawing upon Foucault (1978), Warner (1991), Butler (1990) and others have persuasively argued for the existence of regimes of heteronormativity, whereby sexuality is constructed as a binary, and heterosexual behaviour is discursively constructed as the normal benchmark from which any "deviation" necessarily indicates an "abnormality" that warrants disciplinary intervention. In a similar vein, we may speak here of a kind of "neoliberal-industrio-normativity," whereby the activity of Canadian mining companies operating abroad under conditions of neoliberal capitalism — conditions of extremely investment-friendly legal regimes yet a concomitant absence of regulation to guarantee of rights of the surrounding community members and the sanctity of the natural world — is constructed as the "normal" or "natural" state of events from which any deviation likewise warrants disciplinary intervention. This memorandum, then, is read as a metonym for this larger

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[132] ¶ 45 of the ruling, "REPRESENTATION (article 24) - GUATEMALA - C169 - 2007: Report of the Committee set up to examine the representation alleging non-observance by Guatemala of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Federation of Country and City Workers (FTCC)." Available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:50012:0::NO::P50012_COMPLAINT_PROCEDURE_ID,P50012_LANG_CODE:2507321,en (accessed 6 February 2013).

[133] ¶ 48, ILO ruling, op cit.

phenomenon of "neoliberal-industrio-normativity," and it is in this light that the conspicuous absence of even a shred legitimacy given to the claims of those who are resisting the mine, is understood. According to the memorandum, Skye is merely seeking to conduct "normal business," but due to outside interference from the aforementioned homogenized and demonized anti-mining activists, it is struggling. As such, the support of the Canadian government would be appropriate, and the memorandum states that Ambassador Cook has been seeking support for the mining company from the president of Guatemala: "[Guatemalan] President Alvaro Colom has been made aware of the situation by our Ambassador and company officials" (Appendix D, p.4).

The memorandum closes by advising the Minister on the 'optics' of the situation, in terms of how Canada's reputation has been affected. It states that,

> Canada's image in Guatemala is generally excellent but is affected by perceptions of the mining industry and the idea that the Canadian government actively promotes mining in developing countries without regard for CSR. Several press articles on the subject and a video documentary of land evictions from a Canadian-owned nickel mine were released in January 2007, raising public awareness on the issue in Canada (Appendix D, p.4).

Again, there is no mention of the historic land claims, human rights and development concerns of the local indigenous Mayan Q'eqchi' population that has been adversely affected first by Inco's presence, and then by Skye's presence in the region. The "but" in the first sentence is important: the implication is that Canada's reputation, while "generally excellent," is potentially threatened by initiatives that are "raising public awareness," such as what is presumably a reference to my El Estor eviction video that Cook had discredited.[134] While Minister MacKay is advising critics that Canada is wholeheartedly committed to advancing democracy and human rights in the region, DFAIT staff is briefing his counterpart, the Minister of International Trade, that critics of Canadian mining companies are engaging in duplicitous strategies —

[134] This is a fair assumption; I know of no other video that documented these evictions, and certainly none others that were released in January 2007.

"disinformation and scare tactics" — that threaten Canadian industry and Canada's reputation alike.

Further Canadian government support for Skye is also evinced in a January 21, 2008 email that Ambassador Cook had written to numerous bureaucrats in the embassy and in Ottawa (Appendix E). Echoing the mining company's discourse, he refers to the indigenous Mayan Q'eqchi' taking up residence on the land as "invaders." He also notes that Skye solicited Embassy support in dealing with the matter, which prompted Cook to telephone the President of Guatemala, Alvaro Colom. Cook reports that "promises of immediate action received. Will see tomorrow if promises more solid than those given Friday last."

While many more examples could be given, the purpose here is to illustrate the harmony of discourses of legitimacy and delegitimacy employed by industry and high-level Canadian government representatives. Industry is cast purely in the terms of economic growth — growth which is threatened by the industry's critics, who are discursively constructed in totalizing terms as dangerous, devious radicals. If industry is to be able to thrive, its critics must be silenced. That growth, however, is largely understood as growth for the company, and for Canada in general. In November 2006, shortly after the first eviction of two communities in the region, Skye Resources executives held a meeting with Ambassador Cook and another staff member of the embassy. The Embassy's minutes from that meeting, while redacted, are nonetheless revealing (see Appendix F). The mining company's discourse on "land occupations" by "squatters" is uncritically regurgitated (Appendix F, p.190). The minutes also reveal Embassy concern over masking the support it provides to industry, stating,

> We need to agree on the extent to which the Embassy should be pro-active. (Canada's investment in Guatemala is estimated at close to US$ 500 million). Companies are anxious for our moral support and advice but are not seeking open lobbying or the appearance of lobbying for them. In the highly politicized atmosphere GTMLA is

> experiencing at the moment, we would agree absolutely. This does not preclude meeting with senior government officials including the VP to gain a better understanding of the position of the government. (Appendix F, p.191)

While the context is redacted, the minutes also speak of "concerns about the impact on investment that the anti-mining campaign is having" (Appendix F, p.192). The minutes close by stating that if impediments to the project can be overcome, "Canada would become the largest Greenfield investor in Guatemala" (Appendix F, p.192). Like the memorandum discussed in Appendix E, no mention is made to any legitimacy of the historic land claims, human rights violations and development needs of the affected Mayan Q'eqchi' population.

The aforementioned examples, of Ambassador Cook defaming the 2007 video documentary that I produced of the evictions near El Estor, and the documents examined in Appendices B-F, can be more fully understood in the context of the Canadian government's policies that have wholeheartedly supported the interests of Canadian mining companies operating abroad, often at the expense of the affected communities. What follows in Chapter 7 is a brief account of the Canadian government's resistance to implementing any binding regulation that might hold Canadian mining companies accountable for crimes committed abroad. While a comprehensive treatment of that resistance to regulation is beyond the scope of the present work, this final chapter is offered to demonstrate how the discursive legitimation of industry and delegitimization of industry's critics — as outlined in the previous chapters — has thoroughly permeated Canadian policy as well.

CHAPTER 7

Canada's Support for Canadian Extractive Industries Abroad

In June 2005, the 38th Canadian Parliamentary Standing Committee of Foreign Affairs and International Trade (SCFAIT) released a landmark report urging the Canadian government to take action to address the growing problem of harms being caused by Canadian mining companies operating worldwide — and often in zones of "weak governance," where host country governments are either unwilling or unable to police company violations and guarantee the rights and well-being of the local communities. The report, entitled *Mining in Developing Countries - Corporate Social Responsibility*, came in response to the testimonies that a SCFAIT sub-committee — the Sub-committee on Human Rights and International Development — had been hearing for the previous several years, from individuals who seldom appear as expert witnesses before Parliamentary committees: the victims of abuses perpetrated by Canadian mining companies abroad.[135] The invited witnesses included Onsino Mato and Godofredo Gallos, two indigenous Subanon men from the Philippines, who testified about the environmental and human rights abuses that they claimed were perpetrated by Canadian junior mining company TVI Pacific, at the company's Canatuan project on Mindanao, the second largest Philippine island. The abuses that Mato, Gallos and other witnesses spoke of resembled many of the problems faced by the Guatemalan and Honduran communities documented in this dissertation, including violence perpetrated by company security guards against critics of the mine, denied access to homes, contamination of the environment, mining companies operating without having obtained prior consent of the surrounding indigenous communities, mining companies instigating deep

[135] The report is available at http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=1901089&Language=E&Mode=1&Parl=38&Ses=1 (accessed 8 February 2013).

divisions within local communities, as well as instigating illegal forced evictions of surrounding communities. TVI Pacific's lawyers, learning of Mato's and Gallos' forthcoming testimonies, threatened the Parliamentary committee with legal repercussions should the testimony be considered damaging to company interests (Coumans "Alternative Accountability" 28). This was a curious threat to make, given that witnesses who appear before Parliamentary committees are granted parliamentary privilege — the same legal immunity that absolves Members of Parliament from being subject to potential defamation lawsuits for claims made in the House of Commons. TVI Pacific also threatened MiningWatch Canada with defamation litigation, given that the watchdog NGO had been supporting the witnesses.[136] TVI Pacific clearly felt threatened by the testimony, and evidently did so for good reason: the committee was sufficiently disturbed by the allegations that it had been hearing from Mato, Gallos, and other witnesses from countries worldwide regarding abuses perpetrated by Canadian mining companies operating with impunity in their regions, that the committee's report called for significant action to be taken by the Canadian government (Imai, Sander and Mehranvar 132-3). The recommendations included making Canadian financial and diplomatic support for Canadian mining companies operating abroad contingent upon the companies "meeting clearly defined corporate social responsibility and human rights standards, particularly through the mechanism of human rights impact assessments" (Standing Committee). The report called upon the federal government to implement monitoring and complaints mechanisms to ensure compliance with internationally accepted environmental and human rights norms, and to "establish clear legal norms in Canada to ensure that Canadian companies and residents are held accountable when there is evidence of environmental and/or human rights violations associated with the activities of Canadian mining

[136] See http://www.miningwatch.ca/en/house-commons-committee-tells-government-regulate-canadian-mining-companies-abroad-investigate-tvi-p (accessed 7 February 2013).

companies" (ibid). Coumans refers to these recommendations as "groundbreaking," given that they "call for legal and regulatory measures to be taken by the Government of Canada to assure Canadian mining companies respect human rights and environments in their operations overseas" (Coumans "Alternative Accountability" 30). The report observed that legal safeguards to ensure the protection of human rights and prevent environmental damages are either non-existent or not enforced in many of the countries of the Global South where Canadian mining companies are operating. Many Canadian mining companies are thus operating with total impunity worldwide. The report was the first of its kind in its call upon the Canadian government to introduce legislation that would fill this legal vacuum, to protect the rights and territories of people globally who are adversely affected by Canadian mining projects in their midst.

The Canadian mining industry, both as individual companies and via the two main industry associations — the Prospectors and Developers Association of Canada (PDAC) and the Mining Association of Canada (MAC), lobbied vigorously against the report's recommendations. Several months later, in October 2005, Paul Martin's Liberal government announced that while it did not support the report's recommendations, it would agree to hold a series of open roundtable discussions in several Canadian cities, where mining industry representatives and those affected by industry's activities worldwide would have an opportunity to make their respective cases. The National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries were held from June-November 2006 in Vancouver, Calgary, Toronto and Montreal. The meetings were open to the public, and the scope was large: the government steering committee, chaired by DFAIT, was composed of representatives of eight federal government departments. An advisory group was also created, comprised of

representatives from the mining industry, academics, labour leaders, and members of civil society organizations such as MiningWatch Canada, who participated under the umbrella group of the Canadian Network on Corporate Accountability (CNCA). Coumans, a member of the advisory group, reports that,

> thirty-one hours were dedicated to oral presentations by 156 members of the public representing a range of stakeholder groups. One hundred and four written submissions were received and posted to the CSR roundtables website…The roundtables also invited the participation of 15 international experts. The purpose of the process was to finalize a set of recommendations for the Government of Canada. (39-40)

At the close of the testimonies, the government steering committee asked the advisory group to submit a consensus report of recommendations. This was a daunting task, given that CNCA was adamant about the need for legal reform in the form of binding regulation that would govern the conduct of Canadian mining companies operating abroad, whereas industry members of the advisory group were equally adamant that "only non-regulatory outcomes would be acceptable…[arguing] that regulation does not guarantee better performance and may limit social and environmental measures taken by individual companies to what is required by law" (40). This was a difficult argument for many civil society representatives to stomach, who noted that the problems that had prompted the creation of the Roundtables in the first place emerged under conditions of voluntary self-regulation; Canadian mining companies often already claim to abide by a series of voluntary, non-binding "CSR" codes and standards. These codes, however, are discretionary, lack the capacity for oversight, lack adequate mechanisms where complaints over infractions can be registered, and lack the power to redress complains and mete out repercussions for violations of the codes.[137] That is to say, it is impossible to prevent a mining company from

[137] These voluntary CSR codes of conduct include the IFC's Performance Standards and the Equator Principles. See "IFC Performance Standards on Environmental and Social Sustainability - Effective January 1, 2012," available at http://www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publication

using voluntary, non-binding codes of conduct as little more than window-dressing, to profess their commitment to human rights and environmental protection without needing to actually commit to those professed values in practice.[138] Nonetheless, the government steering committee and industry members of the advisory group expressed concerns that any binding regulations might "violate rules against extraterritorial legislation, interfere with Canada's foreign policy objectives, and would damage international trade and investment" (41). Members of the advisory group ultimately found a middle ground, and in March 2007, published their report to government.[139] In it, they proposed the formation of a relatively modest complaints and accountability mechanism: the formation of the office of an independent Ombudsperson and Compliance Review Committee that could receive complaints from those abroad who feel harmed by the conduct of Canadian mining companies in their regions. Companies deemed to be out of compliance with environmental and human rights norms would risk the withdrawal of Canadian government support, which generally comes in the form of Export Development Canada financing, Canada Pension Plan investment and the diplomat support offered by Canadian embassies. While arguably a small step in the right direction, Coumans herself notes the ultimately insufficient nature of such a mechanism, in that it failed to offer victims of abuses perpetrated by Canadian mining companies with "any form of remedy, as would have been possible through legal action" (41). Furthermore, many companies may operate with relatively

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s/publications_handbook_pps (accessed 7 February 2013); information on the Equator Principles is available at http://www.equator-principles.com (accessed 7 February 2013).

[138] This is not to deny that some "CSR" projects implemented by Canadian mining companies may indeed provide some benefits to surrounding communities; the point here is that voluntary codes of conduct are no replacement for binding regulation to ensure compliance with international human rights laws and environmental protection standards.

[139] The report, "National Roundtables on Corporate Social Responsibility (CSR) and the Canadian Extractive Industry in Developing Countries -- Advisory Group Report," is available at: http://www.pdac.ca/pdac/misc/pdf/070329-advisory-group-report-eng.pdf (accessed 7 February 2013).

minimal public support, or may not be significantly affected by the withdrawal of support that they do receive.

The report was tabled to Stephen Harper's Conservative government, where it languished, ignored, for two years. On February 9, 2009, Liberal MP John McKay (Scarborough-Guildwood) tabled a private member's bill, Bill C-300, "An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries" (subsequently renamed "The Responsible Mining Act"). The bill simply legally codified the core recommendations of the 2007 Roundtable Advisory Group's report, which itself, as noted, came in response to the 2005 SCFAIT report. Bill C-300 stated that its purpose was,

> to promote environmental best practices and to ensure the protection and promotion of international human rights standards in respect of the mining, oil or gas activities of Canadian corporations in developing countries. It also gives the Minister of Foreign Affairs and Minister of International Trade the responsibility to issue guidelines that articulate corporate accountability standards for mining, oil or gas activities and it requires the Ministers to submit an annual report to both Houses of Parliament on the provisions and operation of this Act.[140]

The bill called for the offices of the Ministers of Foreign Affairs and International Trade to formally receive and investigate complaints from citizens of countries throughout the world regarding the conduct of Canadian mining companies in their territories. Infractions of internationally-accepted human rights norms and environmental protection standards would be investigated; companies found to be out of compliance risked losing public support, as outlined earlier. As noted in the introduction to this dissertation, the mining industry, in large part through its industry associations of PDAC and MAC, opposed C-300 in a lobbying campaign that was more vigorous and intense than any piece of legislation had received in decades. Tony Andrews, executive director of PDAC, warned that some Canadian mining companies "consider

[140] See "Summary" of Bill C-300, which, along with the full text of the bill, is available at: http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=3658424&Language=e&Mode=1 (accessed 7 February 2013).

Bill C-300 serious enough that they would contemplate relocating their head offices elsewhere if this comes into law" (Adams). According to Perrin Beatty, president and chief executive of the Canadian Chamber of Commerce and former secretary of state for external affairs, C-300 would result in "the cancelling of projects and the cutting of jobs… Many Canadian companies would simply not take the risk of pursuing new ventures in developing countries" (ibid), which would deprive countries of the Global South from receiving badly needed development.

At the time, the Conservatives had a minority government, so despite the fact that all Conservative MPs would certainly vote against the bill, it still had possibility of passing its three requisite readings in the House and becoming law. Despite being a meagre and ultimately insufficient solution to the problem of abuses perpetrated by Canadian mining companies operating with relative impunity throughout the Global South, the bill struck me as a modest step in the right direction, and I began voicing my support of the bill to MPs who had expressed opposition to it. While I opted not to appeal to any Conservative MPs, as they would almost certainly oppose the bill regardless of any arguments that I might offer in its favour,[141] I did

[141] I did, however, express my support for the bill to six Conservative MPs on May 13, 2010, when I testified in Ottawa before the Parliamentary committee considering the bill (the Standing Committee on Foreign Affairs and International Development), urging them to pass it. The witness who testified following my presentation — Richard Steiner, a conservation biologist and professor at the University of Alaska, also urged the committee to pass the bill. The hostility our testimonies engendered in some Conservative MPs was palpable; it was clear that by presenting evidence that warrants the implementation of regulation over the conduct of Canadian mining companies operating abroad, I was viewed by some MPs as a worrying threat, whose claims unfairly impugn hard-working mining companies. In the question and answer session that followed my and Steiner's testimonies, Conservative MP Peter Goldring maintained that "the Canadian mining industry has an excellent reputation worldwide and probably has that reputation partially because, and it has built their businesses worldwide (sic)." Goldring then expressed great concern that, "just in the space of a very, very few short minutes, the witnesses commented disparagingly about Goldcorp, Pacific Rim, the ambassador himself, according to these sheets, HudBay Minerals, Skye Resources, and Inco. I'm sure that if we had more time we could add to that list considerably." Goldring was following up on a previous concern expressed by his colleague, Conservative MP Jim Abbott, who noted that "while these gentlemen and all witnesses have the advantage of parliamentary privilege — in other words, they cannot be sued for what they say — on the other side of the coin, these two men in particular have taken the time to make some very extravagant and extreme claims against certain mining companies." That is to say, merely speaking out against the harms perpetrated by Canadian mining companies operating abroad is itself deemed to be threatening behaviour, and cause for alarm; rather than expressing concern over the information that both Steiner and I had provided in our testimonies, these MPs were alarmed that we would dare to offer "very extravagant and extreme claims" that "impugned" Canadian mining companies. I would argue that these positions reflect the Conservative MPs'

reach out to the Liberal MPs who had expressed opposition to the bill. I began to hear curious arguments against the bill — arguments that ranged form the inaccurate to the inane, but vigorously defended nonetheless. One common argument was that the bill unfairly disadvantages Canadian companies working abroad, as competitors from other countries would not be subject to its provisions. I was also told that the mechanisms proposed by the bill would create too much "red tape." Liberal MPs who opposed C-300 also complained that industry was not consulted during the drafting of the bill. Beyond the curiosity of that logic (given that the bill is ultimately a judicious, albeit modest remedy for legal infractions, would legislators normally consult with potential violators to ensure their satisfaction with the proposed remedy?), it is difficult to comprehend the justification for this claim: I would frequently respond that as C-300 merely legally codifies the 2007 report of the Roundtable Advisory Group — which was a consensus report written by industry and civil society alike — and furthermore, as the National Roundtables themselves were an open process in which any mining company or industry association was able to register its concerns, is not the *opposite* in fact true? I would ask the MPs if they could cite another piece of legislation in recent memory that has indeed emerged from this *much* consultation with the affected parties? This retort frequently elicited no response.

A more concerning response from Liberal MPs opposing C-300 was the parroting of the discourses of delegitimacy outlined in the previous chapters. Various Liberal MPs who opposed the bill advised me that it would expose Canadian mining companies to "frivolous and vexatious" complaints from the industry's enemies: the immoral and irrational "anti-mining

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assimilation of the dominant hegemonic discourse entailed in the proposed dialectic's antithesis — the discourse on irrational "anti-mining activists" who are bent upon destroying hard-working Canadian mining companies abroad, and whose claims are thus ipso facto biased and illegitimate. Audio of committee session available at: http://parlvu.parl.gc.ca/Parlvu/ContentEntityDetailView.aspx?ContentEntityId=6186
and written transcript available at:
http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=2&Parl=40&Ses=3&DocId=4533191

activists." On May 19, 2010, I spoke with Liberal MP Scott Brison by telephone. Brison advised that many Canadian companies are excellent ambassadors for Canada, for through their "CSR" initiatives implemented at mine sites they are making a positive difference in communities worldwide. He expressed concern with the bill's complaints mechanism, stating that, "in today's political environment, the capacity for grassroots anti-mining groups to use C-300 to shut down Canadian mines is significant." He vigorously maintained that grassroots "anti-mining groups" frequently spread misinformation in their efforts to shut down Canadian mines, and that these groups would flood the complaints mechanism with frivolous and baseless complaints. I countered this claim by noting that the complaints review process proposed in the bill provides the power and authority to dismiss complaints that were deemed to be baseless. In fact, a disincentive to baseless complaints was built into the mechanism, as "frivolous" complainants would be barred from filing future grievances. This authority of dismissal, not unlike that of the Canadian court system, to investigate and dismiss grievances deemed to be warrantless, would actually serve to bolster the position of the companies in question, as they would almost invariably publicly proclaim themselves to be absolved of accusations of wrongdoing as a result of the dismissal of the "frivolous" claim. Furthermore, I advised that from my experience, grassroots groups have generally expressed legitimate concerns, which industry often denies, ignores or delegitimizes. I agreed that while clouds of misinformation do exist, from my experience, they are far more likely to emerge from industry than from civil society organizations. Upon hearing that, Brison announced that he had no further time and disconnected the call — an action that I felt safe to interpret as his potentially having concluded that I was one of the "anti-mining activists" with whom dialogue is fruitless and impossible.

This interpretation felt safe, as earlier in the call, Brison had revealed the existence of subject positions with whom dialogue is impossible. In a revealing indication of the epistemological gulf between Brison and some critics of industry, at one point in the conversation he alleged to have recently spoken with an "anti-mining activist" who had told him that she opposes mining because mining "rapes the earth." He expressed exasperated shock at hearing this, asking me how anyone could possibly hope to communicate with individuals who hold such irrational, outlandish views. I opted not to surmise that if one were to view the earth as a "Mother" — a common element of many indigenous epistemologies — and one further viewed the activities of industrial-scale mining as a forced penetration into that "Mother" in a way that can often cause great harm not only to "her" but to all forms of life that "she" sustains, and furthermore, is done purely to satisfy the "lust" for profit of the perpetrator, then perhaps the metaphor of sexual violence may indeed resonate with such an individual. Perhaps from such a perspective, the metaphor of rape would not be so outlandish after all. I opted not to suggest this, however, presuming that had I done so, the call would likely have ended much faster than it ultimately did. I offer this not to belittle Brison as myopic, but to suggest that there are multiple levels at which communication fails between industry's advocates and its critics. While surely parties do at times come to the table in "bad faith," such as the previously noted frustration expressed by Q'eqchi' community members that CGN would arrange for meetings which they would then neglect to attend, communication breakdown also occurs on "good faith" (or "better faith") as well. While an individual's "true" beliefs and values are ultimately unknowable (as argued at various points earlier), Brison's exasperation at his interlocutor's alleged position is better understood within the theoretical context of hegemony, as presented earlier in the dissertation. Brison's conviction in the impossibility of communication can be understood as

reflecting a deep immersion in the dominant hegemonic understanding of mining as an unproblematic act of extracting the standing reserve of the earth's minerals, which itself invariably constitutes "development." When that stance then confronts an epistemology that is in fundamental opposition to this hegemonic understanding, communication is deemed to be utterly impossible. That is to say, subjects who have internalized and recycle the discourse of delegitimacy that comprises the antithesis of this dissertation's proposed dialectic — that critics of industry are dangerous, irrational radicals who oppose "development" — are not merely recycling a PR line that they do not "actually" believe. The usefulness of theories of hegemony is their capacity to account for individuals who may vigorously advance and defend these discourses, and do so with great personal conviction in the integrity of that position, despite the fact that, not unlike discourses on Communism examined in Chapter 4, they may be highly inaccurate, flawed, or gross distortions of a given situation.

That said, a corresponding caution is worth restating: such an understanding of the power of hegemony should never be misunderstood as absolving one from taking responsibility for the effects of the deployment of hegemonic discourses which ultimately serve to advance and legitimize dominant power regimes. As noted earlier, firm belief in a given trope never excuses the crimes committed under its banner. Furthermore, it is also important to explore the roots of the discourses in question. As noted, Brison's position was not unique. In fact, the arguments that he raised were troublingly similar to those being advanced by other Liberal MPs who opposed Bill C-300. This ceased to be a mystery when I came upon a briefing note provided to selected Liberal MPs by Canadian law firm Fasken Martineau DuMoulin (see Appendix G).[142] Fasken is the top legal firm employed by major and junior Canadian mining companies alike,

[142] The source of this note has requested to remain anonymous.

and as Adams (2010) notes, it was "named 'Global Mining Law Firm of the Year' for five straight years by *Who's Who Legal*" (Adams). The firm was intensely lobbying against the bill, with firm partners like Michael Bourassa publicly warning that "if passed, Bill C-300 will undermine the competitive position of Canadian companies. It could cause an exodus of mining companies from Canada" (ibid). The briefing note, which states its desired outcome being the defeat of the bill, presents the arguments that MPs are asked to take. Echoing the discourse on the irrational, "anti-development" activist, the briefing note warns that the bill "will encourage a flood of frivolous and vexatious complaints from leftwing NGO's opposed to the very fact of Canadian companies operating abroad" (Appendix G, p.1). Again, the implication here is that there is neither legitimacy nor rationale underlying their complaints; such individuals are simply, irrationally "opposed *to the very fact* of Canadian companies operating abroad." The briefing note also argues that the bill must be killed for it "was drafted without input from the companies to which the proposed law would apply." The position statements offered (in bold) in the Fasken Martineau briefing note were identical to the arguments that I was confronting from Liberal MPs who expressed opposition to the bill. While one might expect such a document would indeed emerge from a company that receives much of its business from Canadian mining companies, the situation is troubled by the fact that a partner and senior counsel at the law firm at the time was Alfred Apps, who was also then president of the Liberal Party of Canada. As a powerful figure in the party, he had been instrumental in some MPs' careers, such as the party leader at the time, Michael Ignatieff, whose leadership bid was backed by Apps. Ignatieff opposed Bill C-300.

Bill C-300 was ultimately defeated in its third and final vote in the House of Commons on October 27, 2010. It lost by a vote of 140-134. A mere seven additional votes in its favour, and it would have been passed into law. 23 opposition MPs were conspicuously absent from this

critical final vote, including 13 Liberals. Ignatieff was one of the absent Liberal MPs, while Liberal Whip Marcel Proulx had been advising caucus members to avoid the final vote — essentially calling for the death of the bill (Taber).[143] The *Globe and Mail* reported that nine of those absentee MPs had been lobbied vigorously by the mining industry to oppose the bill (Rennie). To restate the argument offered in the introduction, mining companies reacted against Bill C-300 so vociferously, despite the fact that by its third and final reading it had become a relatively timid piece of legislation that would ultimately only offer modest steps towards further accountability, not because of material threats posed by the bill, but because of its far more dangerous symbolic effects: C-300 fundamentally violated mining companies' essential branding strategy, by signifying them as 'potential bad-apples' in need of oversight and regulation, instead of the discourse presented in Chapters 2 and 3 — mining companies as glorious benefactors who are purveyors of collective development and emancipation.

The Canadian Government's Alternative: Voluntary "CSR" Codes of Conduct

Another dominant argument against Bill C-300 was that it was completely unnecessary, for the government had already implemented its response to the Roundtables. This was an argument expressed in the Fasken Martineau briefing note, which states that C-300 "ignores the fact that a comprehensive government strategy in this area was announced a very short time ago which companies are reviewing but which is viewed as workable and pragmatic" (Appendix G,

[143] Of the 23 opposition MPs absent from Bill C-300's critical final vote on October 27, 2010, the 13 Liberals were (listed in alphabetical order): Scott Andrews, Avalon; Scott Brison, Kings-Hants; Sukh Dhaliwal, Newton-North Delta; Ruby Dhalla, Brampton-Springdale; Ujjal Dosanjh, Vancouver South; Martha Hall Findlay, Willowdale; Michael Ignatieff, Etobicoke-Lakeshore; Jim Karygiannis, Scarborough-Agincourt; Gerard Kennedy, Parkdale-High Park; Keith P. Martin, Esquimalt-Juan de Fuca; John McCallum, Markham-Unionville; Geoff Regan, Halifax West; and Anthony Rota, Nipissing-Timiskaming. 4 NDP MPs were also absent: Charlie Angus, Timmins-James Bay; Bruce Hyer, Thunder Bay-Superior North; Pat Martin, Winnipeg Centre; and Glenn Thibeault, Sudbury. 5 Bloc Québecois MPs were also absent: Robert Bouchard, Chicoutimi-Le Fjord; Monique Guay, Rivière-du-Nord; Francine Lalonde, La Pointe-de-l'Île (Ms Lalonde had apparently been very supportive of the bill but was prevented from attending the vote due to illness); Carole Lavallée, Saint-Bruno-Saint-Hubert; and Yves Lessard, Chambly-Borduas. Independent MP André Arthur, Portneuf-Jacques-Cartier, was also absent.

p.1). This argument was frequently expressed by those who openly opposed Bill C-300. It refers to the fact that while the Roundtable's Advisory Group report had languished for two years with the ruling Conservatives, in March 2007, a mere month after John McKay first tabled C-300 to codify its core recommendations into law, the Government of Canada released its long-awaited response to the Roundtables Advisory Group report. Its response was its own short report entitled, "Building the Canadian Advantage: A Corporate Social Responsibility (CSR) Strategy for the Canadian International Extractive Sector."[144] Here, the government disregards the core recommendation urged by the 2005 SCFAIT report and the 2007 Roundtables Advisory Group report: the implementation of binding regulation that would govern the conduct of Canadian mining companies abroad. Rather, with "Building the Canadian Advantage," Canadian mining companies abroad will be encouraged to follow non-binding, voluntary "CSR" codes of conduct. To assist them in this process, the government created the office of the "CSR Centre of Excellence" and the "Office of the Extractive Sector CSR Counsellor" — a position held by Marketa Evans, whose biography states that she "spent ten years in senior management positions in the Canadian banking sector, and was Executive Director of the Munk Centre for International Studies, University of Toronto."[145] According to the CSR Counsellor's website, the office's role is to

> communicate the Government of Canada's expectations regarding corporate conduct, assist companies and stakeholders in the resolution of disputes related to the corporate conduct of Canadian extractive companies (mining, oil and gas) abroad, and assist with the implementation of CSR performance standards.

[144] See http://www.international.gc.ca/trade-agreements-accords-commerciaux/ds/csr-strategy-rse-stategie.aspx?view=d (accessed 7 February 2013).

[145] See http://www.international.gc.ca/csr_counsellor-conseiller_rse/who-we-are_qui-nous-sommes.aspx?view=d (accessed 7 February 2013).

The main "tool" offered by the office is what it refers to as its "dispute resolution mechanism," which it calls "The Review Process." The office explains that:

> the Review Process is one way for affected individuals, groups and communities to try and resolve disputes relating to Canadian extractive sector projects outside of Canada. The process provides a safe space for dialogue and creative problem solving. It is designed to generate options for collaborative agreement and solutions.[146]

If the CSR Counsellor were to receive a complaint (a "request for review") from a member of an affected community regarding the poor practice of a Canadian mining company operating in their region, the company in question would need to agree to the CSR Counsellor's request for dialogue in order for any "review" of the situation to proceed. Should the company not agree to participate, or should it initially agree, then later withdraw its participation, the matter goes no further. Furthermore, the CSR Counsellor can only "review" the situation and offers guidance to the affected parties; its recommendations are entirely non-binding (Coumans "Alternative Accountability" 43). The office's own website states that, "the Office of the CSR Counsellor does not award compensation, impose sanctions or force solutions on parties."[147] According to the most recent update on the activities of the CSR Counsellor's office — a report from May 2012, since its inception in 2009, the office had fielded a grand total of two reviews of "CSR" conduct of a Canadian mining company operating abroad.[148] According to a news report from around the same time, despite spending over $1 million on travel and expense accounts over the previous two years, of those two "reviews," the office has yet to "mediate a single

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[146] See http://www.international.gc.ca/csr_counsellor-conseiller_rse/review_process-processus_examen.aspx?view=d (accessed 7 February 2013).

[147] See http://www.international.gc.ca/csr_counsellor-conseiller_rse/questions.aspx?lang=eng&view=d (accessed 7 February 2013).

[148] See "Office of the Extractive Sector CSR Counsellor Mid-year update May 2012" available at http://www.international.gc.ca/csr_counsellor-conseiller_rse/assets/pdfs/midyear_update-misajour_miannee_2012_05-eng.pdf (accessed 7 February 2013).

complaint against a Canadian mining company" (Watson). The report offers one example of the operation of the "review process:"

> On Apr. 8, 2011, Evans's office received a complaint from a mining union in Mexico involving Toronto-based Excellon Resources. The next month, she and her senior adviser flew to Mexico for a fact-finding visit to the mine, only to discover her own government had issued a travel warning for Canadians to stay away from the region. Instead, they met with Canadian Embassy officials in Mexico City and flew back home. They returned two months later and visited the mine, but it all came to nothing. Evans and her staff had run up about $22,000 in travel and other expenses on the case when the company finally declared the whole process was pointless and simply walked away from it. That left Evans with no choice: Case closed. (ibid)

Toronto lawyer Murray Klippenstein — who currently represents, pro-bono, litigants from the El Estor region over harms they have suffered by Skye Resources and HudBay Minerals during, and subsequent to, the evictions documented in the previous chapter[149] — argues that "the whole [CSR] counsellor position is toothless. It's basically a whitewash… It's a bogus PR job, as a cover for business as usual" (CBC.ca). It is difficult to see how someone in the Global South whose water is being polluted, or whose home is being burned down by a Canadian mining company, and by a company that professes to be engaged in open dialogue with affected communities to ensure their maximal development no less, would view the "remedies" offered by this office — the so-called "safe space for dialogue and creative problem solving" — as any more than a sick joke or an insult to their intelligence. In this regard, it is difficult to view voluntary "CSR" codes of conduct as any more than ideology, understood in the Marxian sense, and the office of the CSR Counsellor as any more than an ideological apparatus. Nonetheless, the office is taken seriously and legitimized by actors and institutions from various sectors of Canadian society, such as the Institute for the Study of Corporate Social Responsibility (CSR) at the Ted Rogers School of Management at Toronto's Ryerson University. The

[149] More on these cases offered in the conclusion.

institution, founded and headed by former-government-bureaucrat-turned-management-professor Kernaghan Webb, holds periodic seminars that host Evans, amongst others, for discussions on such matters as the benefits of voluntary CSR codes of conduct in assisting the operations of Canadian mining companies abroad, including avoiding and resolving disputes at the mine sites.[150]

In 2012, the Canadian government went a step further, announcing a new mandate for the Canadian International Development Agency (CIDA): providing funding to selected Canadian "development" NGOs to partner with Canadian mining companies operating abroad, to implement "CSR" projects near the mine sites (Brown; Blackwood and Stewart). Critics have wondered why mining companies with multi-million dollar profits would possibly need public funds to assist in the implementation of "development" projects near the mine sites (Moore).[151] The answer is similar to why industry reacted so vociferously against Bill C-300; inasmuch as the bill symbolically violated the discourse they advance as purveyors of collective development, receiving federal government "development" dollars and partnering with "development" NGOs directly reinforces that dominant discourse. Canadian mining companies are now symbolically legitimized as purveyors of "development." Again, as argued in this dissertation, the discursive legitimation of Canadian mining companies as purveyors of collective development, combined with the discursive delegitimization of the industry's critics as irrational "anti-development" activists, operates as the critical dialectical engine that allows industry to achieve "social license" at mine sites worldwide. As noted in the introduction, the 'synthesis' of this proposed dialectic is multi-faceted: subjects who identify with the discourses of legitimization — of Canadian

[150] See http://www.ryerson.ca/csrinstitute (accessed 7 February 2013).

[151] Coumans (2012) argues that, "Aid money is meant to address poverty, not to promote the commercial interests of Canadian mining companies. Nor should it subsidize the obligations of mining companies to provide benefits to affected residents and rehabilitate damaged environments."

mining companies as purveyors of collective development, as well as identify with the dominant discourses of delegitimization — that those who resist or critique Canadian mining companies are threats to that project of collective development, begin to resist the resistance. This politics of counter-resistance not only further polarizes already-divided communities, but serves to galvanize the energies of those who accept these dominant discourses, and further intensifies their support for (or at the very least, guarantees a lack of critique of) the activity of Canadian mining companies in their midst, and the structure of the neoliberal economic order that underpins it. While this argument may risk appearing to recede into abstraction, the consequences abroad of this politics of counter-resistance are very real, and often tragic. For this reason, the conclusion will begin by presenting some of the recent cases — amongst a regrettably growing body of examples — of social justice activists in Mexico and Central America who were actively organizing against Canadian mining companies in their regions, and were assassinated as a result.

> It has frequently been noticed that the surest long-term result of brainwashing is a peculiar kind of cynicism — an absolute refusal to believe in the truth of anything, no matter how well this truth may be established. In other words, the result of a consistent and total substitution of lies for factual truth is not that the lies will now be accepted as truth, and the truth be defamed as lies, but that the sense by which we take our bearings in the real world — and the category of truth vs. falsehood is among the mental means to this end — is being destroyed.
>
> - Hannah Arendt, "Truth and Politics"[152]

Conclusion

The July 2010 attempted assassination of Diodora Hernandez, as mentioned in Chapter 2,[153] is sadly not an isolated incident. On March 2, 2012, community members from the towns of San José del Golfo and San Pedro Ayampuc, located approximately 30 km northeast of Guatemala City, blockaded the entrance to the Tambor gold mine. The mine, which is currently under construction in its development phase, was owned at the time by Vancouver-based Radius Gold,[154] and operated by its Guatemalan subsidiary, Exmingua S.A. Concerns of community members who live near the mine are virtually the same as those explored in Chapters 5 and 6: locals attest that they had not been previously consulted about the mine, and are outraged that a project with potentially devastating implications for the environment and human/animal health has been foisted upon them.[155] They demand an immediate suspension and repeal of the mining licenses already granted to the company, and point to what they refer to as glaring flaws in the

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[152] *The New Yorker*, February 25, 1967.

[153] See p.64. Also pictured in Figure 4.

[154] On August 31, 2012, Radius sold its ownership of the project to the U.S. mining engineering firm, Kappes, Cassiday & Associates, but retains a financial interest in the project; by the terms of the sale it will receive quarterly payments upon the commencement of production. See http://www.radiusgold.com/s/NewsReleases.asp?ReportID=545012&_Type=News-Releases&_Title=Radius-Gold-sells-Interest-in-Guatemala-Gold-Property (accessed 8 February 2013).

[155] For a photographic essay of the blockade, see http://www.mimundo.org/2012/06/04/2012-05-third-month-of-resistance-against-a-radius-gold-owned-mine-in-guatemala (accessed 8 February 2013).

Environmental Impact Assessment and the very real risks posed by the mine to the surrounding communities. At time of writing (February 2013), the blockade is ongoing. One of the organizers of the resistance to the mine, Yolanda Oquelí, had been working with the local group FRENAM (Frente Norte del Área Metropolitana), seeking to organize a community plebiscite regarding the presence of mining in the region, as discussed in Chapter 5. In May 2012, she began to receive death threats. On June 11, 2012, Oquelí and other activists involved in the resistance campaign filed formal complaints with the Office of the Public Prosecutor regarding the intimidation and death threats that they had been receiving. Two days later, on June 13, Oquelí left the blockade in the early evening and set out in her car to return to her home in San José del Golfo. At approximately 6:30 pm she was ambushed on the highway by two men on a motorcycle, who opened fire on her while she drove. She was struck repeatedly, with one bullet lodging into her in the abdomen, just above her right kidney. Despite tremendous blood loss, the severity of her wounds and the fact that she was shot while driving, she miraculously survived the attack and continues her resistance work against the mine.[156] Opposition to the resistance movement has also by no means been confined to a few isolated individuals; Amnesty International reports that on November 13, 2012, several hundred FRENAM activists were approached at the blockade by a group of approximately 70 individuals who identified themselves as "pro-mining," who proceeded to harass and threaten those partaking in the blockade. Later that afternoon, two members of the blockade were chased through the streets of

[156] See "Activistas repudian ataque contra lideresa de protesta antiminería." *Prensa Libre,* 14 June 2012. Available at http://www.prensalibre.com/noticias/comunitario/Activistas-repudian-ataque-lideresa_0_718728249.html; "Action Alert: Denounce Shooting of Anti-Mining Activist in Guatemala." St. Louis Inter-Faith Committee on Latin America, 14 June 2012. Available at http://www.ifcla.net/site2/?p=12509 (accessed 12 February 2013).

San José de Golfo by a man wielding a machete, shouting that he was going to kill them. The blockade participants managed to escape.[157]

Numerous activists resisting the incursion of Canadian mining projects on their territory have not been so lucky, and while this dissertation focuses upon Guatemala and Honduras, the very same politics of resistance and counter-resistance detailed here have played out in neighbouring countries as well. In El Salvador, Gustavo Marcelo Rivera Moreno, a teacher, environmentalist and community leader was kidnapped and "disappeared" on June 18, 2009. His body was later discovered: he had been tortured and killed. Later that year, Ramiro Rivera Gomez and his neighbor Felicita Echeverría were gunned down on December 20, 2009, and Dora Allicia Sorta was killed on December 26, 2009. All four individuals were actively opposing the operations of Canada's Pacific Rim Mining Corp in the construction of their El Dorado open-pit gold mine. In Chiapas, Mexico, Mariano Abarca Roblero, community leader and environmental activist was assassinated on November 27, 2009, by workers of Canada's Blackfire Exploration, Inc. He had been organizing and speaking out against Blackfire's barite mine in the region.[158] Also in Guatemala, on September 27, 2009, violence erupted near Barrio La Unión — the area where the Guatemalan eviction video described in Chapter 6 was filmed. Adolfo Ich Xaman, a Mayan Q'eqchi' teacher, father of five, and community leader who actively opposed the operation in the region of Canada's Skye Resources and HudBay Minerals, was hacked by machete and shot to death, allegedly by Mynor Padilla, the mining company's head of security. Other mining company security personnel allegedly assisted in the murder. In this

[157] See "Guatemala: Anti-mining activists threatened." Amnesty International, November 20, 2012. Available at: http://www.amnesty.ca/get-involved/take-action-now/guatemala-anti-mining-activists-threatened-0 (accessed 11 February 2013).

[158] Mexican police arrested three men in connection with Abarca's death. One was a current employee of the company; the other two were former employees (Keenan).

attack, Padilla allegedly also shot a young father, German Chub Choc, who survived the shooting but was rendered a paraplegic and lost the use of one of his lungs.[159]

The New Spirit of Exploitation

In *The New Spirit of Capitalism* (2005), Boltanski and Chiapello trace the history from which the 'ethos' of contemporary capitalism emerges, arguing that post-1968, the language of the of the cultural critique of capitalism — by which they mean discourses on the alienation and anomie that emerge from the meaninglessness of Fordist production and unfettered consumerism — was appropriated and incorporated into the fabric of capitalism itself. They argue that this co-optation served to produce a discourse on a purportedly more "meaningful capitalism," which entails worker autonomy, the creative workplace, and other references to meaningful capital production and accumulation.[160] Boltanski and Chiapello argue that the prime function of the discourse on "meaningful capitalism" is to neutralize and defuse the social critique of capitalism — by which they mean the social injustices, poor labour conditions and inequitable distributions of wealth and resources that global capitalism fosters and perpetuates. The title of this dissertation borrows from their insight that the strategic deployment of specific discourses serves

[159] For further information on both cases and resulting lawsuits against HudBay Minerals, see http://www.chocversushudbay.com (accessed 18 February 2013). Toronto-based law firm Klippensteins Barristers & Solicitors describes the murder of Adolfo Ich: "On September 27, 2009, fears of forced violent evictions of several Mayan communities located near the Fenix mining project sparked a series of community protests. In the early afternoon of September 27, 2009, Adolfo Ich was with his wife at his house in La Uníon when he heard gunshots being fired from the direction of mine buildings, located not far from his house. Adolfo went to find out what was going on, to warn people to stay back and to see if he could help restore calm. He was not carrying any weapons. When Adolfo Ich arrived, private security forces of the mine recognized him as a prominent community leader and appeared to invite him to speak with them about the community protests. As Adolfo Ich approached, approximately a dozen armed security forces surrounded him, beat him and hacked at him with a machete, before shooting Adolfo in the head at close range. Adolfo Ich died of his wounds shortly after." *See* http://www.chocversushudbay.com/about#Summary%20of%20Chub (accessed 18 February 2013).

[160] The discourse on "meaningful capitalism" is by no means limited to material production; we can also speak here of post-Fordism and the so-called "knowledge economy" of the Global North, in which ideas and know-how are marketed as prime commodities for consumption and export. It is also worth noting that academia in the Global North is thoroughly infused with this discourse on knowledge as a commodity. "Strategic partnerships" with the private sector are exceptionally valourized, in which knowledge "deliverables" can be "produced," "mobilized," "transferred," and so forth.

to ground and legitimize the conditions of contemporary neoliberal capitalism. Canadian mining companies and the Canadian government are involved in creating a new spirit of exploitation — of both minerals and communities in the Global South that surround the mineral deposits. This new spirit blunts the material critique of Canadian open-pit metal mines — a critique which highlights the frequently-dire human and environmental costs of these mining practices — by discursively constructing the terms of "meaningful subjectivity" along lines that wholeheartedly embrace Canadian mining activities in the region. The "legitimate subject" finds God and spiritual salvation through an embrace of Canadian mining practices. "Legitimate subjects" are those who *believe* in the mine because they believe in a clean environment and a quality education for their children. Those who oppose the mine are thereby not resisting human health problems and a devastated environment, for as the mine becomes discursively constructed as a purveyor of collective development, those who resist are constructed as irrationally — and dangerously — opposing the project of collective social betterment. The violence experienced by those who resist Canadian mining projects in Central America and beyond can be understood in this light: they are being targeted as threats to a state of greater social thriving, inasmuch as the Jew in Nazi Germany was targeted as the generic, homogeneous parasite who was infecting the greater social body and preventing its flourishing. The project of discursively constructing Canadian mining as an agent of emancipation and their critics as dangerous threats to society at large, plays out within Canada as well as in countries of the Global South where Canadian mining companies are operating. Within Canada, Canadian mining companies such as Goldcorp and Barrick Gold brand themselves as benefactors of social development by emblazoning their names upon hospital wings and university buildings, which not only serves to associate them with such widely-esteemed values as education and health care, but thereby also casts their

critics as irrational threats to this project of social betterment. As argued in the latter chapters of this dissertation, the homogeneous "anti-mining activist" who uses disinformation as a prime weapon to hijack the social good, is a dominant discourse that has thoroughly infused the Canadian extractive industry and Canadian government alike. This demonization of industry's critics helps to justify the ways by which those critics are attacked — whether those attacks come in the form of physical assaults or character assassination through defamation. After all, why would one "play fair" with such a rogue and ignominious enemy?[161]

While the central argument of this dissertation is arguably somewhat narrow, it is worth considering the broader social implications of this new spirit of exploitation, in which democracy and development, as brands, become mere "buzzwords" (Cornwall) that are strategically deployed, such that discourses on democracy come to advance anti-democratic projects[162] and

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[161] Referring to critics of Goldcorp's practices as "anti-mining activists" — which, as noted in this dissertation, is routinely signified in a chain of equivalence with the discourse of "anti-development" — is akin to referring to those who protest against Monsanto's destructive and predatory practices and technologies as "anti-agriculture activists." While it can often be considered legitimate to resist monopolistic practices that encroach upon and destroy local ecosystems and economies — especially when perpetrated by gargantuan multinational corporations with seemingly endless resources, few would consider an "anti-agriculture activist" as anything but a dangerous radical and/or a mindless fool. After all, lest humanity revert to hunting and gathering as means of feeding the global population, agriculture is necessary to our continued survival. A common refrain echoed by mining industry personnel (and parroted by their supporters in industry associations and government) is that "if it isn't grown, it's mined." Various mining executives and politicians who tacitly support the industry have said this to me on numerous occasions, in response to my critiquing specific practices at Canadian mines abroad. The implication is that "we," as all humanity, need mining as much as we need agriculture — that human "progress" and civilization has been contingent upon resource extraction to create the building blocks of human society. When I have responded by noting that I had never referred to mining in general, but rather to the specific open-pit metal mining practices being used at Canadian mines throughout Latin America and beyond, in order to extract precious metals like gold, and then further asked if they would still endorse practices that may dramatically harm communities abroad in order to yield a product that will mostly go towards jewelry consumption and gold bars for investment purposes, the response can often be more muffled, and frequently questions or denies the claims of problematic practices being perpetrated by Canadian companies abroad.

[162] I should caution that I do not mean to imply a simple either-or binary between democracy and its opposite; institutions, structures and practices that purport to be democratic can fall anywhere upon a wide spectrum of possibilities. Saul (1997) sheds helpful light on this matter as he argues that the state of any democracy ultimately comes down to how and where power and legitimacy reside and are exercised. He argues that democracy "is not about prosperity. You can have poor democracies. And you can have prosperous dictatorships… Nor is democracy merely necessary as a protection for the poor. Even basic authoritarian societies need some sort of social contract, unless they are ready to make constant use of brute force. Democracy is simply about the nature of legitimacy and whether the repository of that legitimacy — the citizens — are able to exercise the power which its possession

discourses on development come to advance exploitative and destructive projects. Hannah Arendt (1967) argues that living amidst such an environment invariably destabilizes our foundational understandings of ourselves and the reality in which we live — a state of being which is highly conducive to surrendering our will to inequitable and unjust structures of power. She writes that,

> the result of a consistent and total substitution of lies for factual truth is not that the lies will now be accepted as truth, and the truth be defamed as lies, but that the sense by which we take our bearings in the real world — and the category of truth vs. falsehood is among the mental means to this end — is being destroyed… consistent lying, metaphorically speaking, pulls the ground from under our feet and provides no other ground on which to stand. The experience of a trembling, wobbling motion of everything we rely on for our sense of direction and reality is among the most common and most vivid experiences of men under totalitarian rule… The erection of Potemkin's villages, so dear to the politicians and propagandists of underdeveloped countries, never leads to the establishment of the real thing but only to a proliferation and perfection of make-believe. (Arendt 78)

The new spirit of exploitation that this dissertation delineates is profoundly rooted in such a "proliferation and perfection of make-believe." Branded Democracy™ and Development™ foment and trade in a world of make-believe. The discursive lionization of Canadian mining companies as purveyors of democracy and development, and the corresponding demonization of their critics as irrational anti-social villains, not only deceptively and inaccurately portrays specific actors and events, but more broadly speaking, serves to erode "the sense by which we take our bearings in the real world," as Arendt argues. It is in a world of make-believe that Canada's Office of the Extractive Sector CSR Counsellor, as described in the previous chapter, is tacitly accepted as a viable solution to the problems created by Canadian mining companies worldwide (if these problems even surface on the radar of general public discourse in the first place). Adopting a similar stance to Arendt, Chris Hedges (2010) warns of the broader

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imposes upon them. We are having great difficulty today exercising the power of legitimacy. It has therefore shifted away into other hands" (Saul 115-6).

consequences of the erosion of our foundational understandings by which we "take our bearings in the real world." He argues that,

> a public that can no longer distinguish between truth and fiction is left to interpret reality through illusion…Pseudo-events redefine reality by the parameters set by their creators. These creators, who make massive profits selling illusions, have a vested interest in maintaining the power structures they control…The flight into illusion sweeps away the core values of the open society. It corrodes the ability to think for oneself, to draw independent conclusions, to express dissent when judgment and common sense tell you something is wrong, to be self-critical, to challenge authority, to grasp historical facts, to advocate for change, and to acknowledge that there are other views, different ways, and structures of being that are morally and socially acceptable. A populace deprived of the ability to separate lies from truth, that has become hostage to the fictional semblance of reality put forth by pseudo-events is no longer capable of sustaining a free society. Those who slip into this illusion ignore the signs of impending disaster. The physical degradation of the planet, the cruelty of global capitalism, the looming oil crisis, the collapse of financial markets, and the danger of overpopulation rarely impinge to prick the illusions that warp our consciousness…We live in imaginary, virtual worlds created by corporations that profit from our deception. (Hedges 51-2)

These "imaginary, virtual worlds," make it easy not to blanch when confronting autocratic tyranny that masquerades as democracy, or fail to notice how such a "master signifier" has been so drastically resignified. Michael Ignatieff (2003), for instance, in his defense of the 2003 U.S. invasion of Iraq, was largely uncriticized at the time when he offered an endorsement of imperialism as "the last hope" for bringing democracy to the darker regions of the globe. "The case for empire," he wrote, "is that it has become, in a place like Iraq, the last hope for democracy and stability alike" (Ignatieff 54). The last hope for democracy — for the empowerment of people to determine their own path — lies with the mighty force of bombardment by the world's largest military power. Perhaps he had something more innocuous in mind than the invasion of an imperial aggressor; perhaps he merely meant that democracy could be handily airlifted into the world's troubled regions, like food and water are parachuted into disaster relief zones. Whatever Ignatieff understands by democracy, one can presume that it is not quite the same democracy that EZLN Subcomandante Marcos proudly and defiantly

proclaims the Zapatistas are bringing into being in Chiapas, Mexico. The difference here is hardly trivial, and Latin American historian Greg Grandin (2004) offers a compelling insight into the gulf between these competing understandings of democracy. Grandin argues that the concept of democracy underwent a dramatic redefinition following the end of the Cold War. At the end of the Second World War, democracy largely entailed not merely individual freedom, but social security, equality and justice as well (Grandin xii). Grandin argues that those latter elements were not only gutted from the contemporary concept that the U.S. frequently promises to export worldwide (with its stalwart champions like Ignatieff), but notions of social security and equality have actually become a threat to the principles of democracy, under contemporary conditions of neoliberal capitalism. He observes that in the ten years following the collapse of the Soviet Union,

> Washington preached with evangelical optimism the belief that open markets combined with constitutional rule would produce a peaceful, prosperous world… so the equation 'democracy and socialism' gives way to the equation 'democracy and empire' with little notice, at least by those who claim to care about social justice, that the definition of democracy today being exported is a shell of its former self. (Grandin xiii)

He argues that this post-Cold War redefinition of democracy, which abandons the previously foundational premise of social solidarity and equality, is hardly innocuous, and has been most profoundly felt in Latin America. He writes that:

> This redefinition [of democracy] served as the qualification for the free market ideologies and policies that now reign throughout the continent and indeed most of the world. In other words, to make the point as crudely as possible, the conception of democracy now being prescribed as the most effective weapon in the war on terrorism is itself largely, at least in Latin America, a product of terror.[163] (Grandin xv)

[163] By "terror," Grandin is referring to the campaigns that the U.S. waged during the Cold War of overthrowing democratically-elected leaders throughout Latin America — beginning with the coup against Arbenz, as detailed in Chapter 4, then proceeding in a very similar fashion throughout the region, such as in El Salvador, Chile, Uruguay, Brazil and Argentina.

This is the version of democracy — freed of its meaning of collective coexistence, equality and social solidarity — that Canada proudly claims to advance in its support of Canadian mining companies abroad. It is a version of democracy that is tailor-made to neoliberalism — to accommodating the needs of capital accumulation under contemporary conditions of neoliberal capitalism. Furthermore, this hijacking of democracy under neoliberalism arrives with a concomitant bastardization of the notion of the political subject: a fundamental deception perpetrated by proponents of neoliberalism is the underlying assumption that people are primarily self-interested individuals who are driven by greed — by desires to gain money and power to maximize their own situations. From Ayn Rand to Milton Friedman and their many acolytes, it is not difficult to find passionate adherents of this position. This very narrow understanding of the subject only works by overlooking the fact that people are constantly driven by motivations that are, in fact, quite different from self-interest. One can offer countless examples of gestures of solidarity with people who are struggling, as well as acts that seek to improve the conditions of people, animals and the natural world, including acts that seek to safeguard living conditions for generations to come. None of those activities — such as the activism of community members who are resisting unwanted Canadian open-pit metal mines in their regions, despite the great threat to their personal safety that such activism entails — can be explained as motivated by self-interest. At their essence, such actions are invariably concerned with contributing to the collective, public good. This may very well be the central blind spot of neoliberalism: it utterly fails to account for any disinterested party acting for the greater public good. Instead, we are led to believe that self-interested drives to maximize one's own return is the essence of both human nature as well as democracy. Any value in solidarity and collective effort has been eviscerated under neoliberalism. Instead, we are routinely bombarded with

discourses that advise that it is offensive to be required by the invasive state to pay for services for which one is not be the immediate, primary beneficiary. It is offensive to be required to subsidize the needs of others, who are probably too lazy, untalented or unskilled to make it on their own.

We might be inclined to refer to disinterested acts that advance the public good as "selfless." They are only selfless, however, if one's understanding of the self is a discrete individual fundamentally disconnected from all others. This understanding of the self is not inherent in nature, however, but is produced as a result of capitalist formations — and it is an understanding that contemporary capitalism under conditions of neoliberalism then purports to discover as the underlying essence of "human nature" which must be unlocked and harnessed in order to achieve anything worthwhile in society. This sham is not unlike the main argument that Nietzsche advances in his seminal essay, "On Truth and Falsity in their Extramoral Sense" — that through language we deceive ourselves into thinking that we have discovered the essential nature of external phenomena, when we have really just rediscovered the metaphors that we have authored in the first place. As soon as an understanding of the self, however, widens to include all others — as soon as it includes, at its core, the inevitable interconnectedness of all living beings and the resultant inevitable interconnectedness of all of our struggles for better living conditions for all, then acts that seek to contribute to the project of collective betterment are not, in fact, selfless at all — one may say that they are entirely "selfish."

Contemporary critiques of capitalism, and neoliberal capitalism in particular, often indict it for dishonesty: it is dishonest in its claims that an unregulated marketplace and unfettered competition are critical for the success of the entire economic system (for in fact, competition and deregulation are anathema to capitalism — it loves monopolies, subsidies and government

regulations that facilitate them). It is also frequently accused of dishonesty in its claim that the collective betterment of all will be achieved if we let greed-driven profiteers hash it out in a purportedly deregulated market. Curiously, capitalism under neoliberalism seems to have largely eluded critique at this more foundational level — that it is based, in essence, on a fundamentally erroneous and dishonest understanding of the self and "human nature." Its claim to understand the self — a claim that grounds its entire economic system — is little more than a tautology. But inasmuch as it works to perpetuate this model of the self which in turn facilitates its own self-justification, it also works to conceal this con — that this understanding of the self is not really the underlying essence of humanity that capitalism harnesses, but is rather its own construct, and one that is necessary to keep this particular model of economic order in business. This is likely why neoliberal capitalism is often so deeply threatened by expressions of solidarity: not because Cuban collective farms will have any immediate impact on Monsanto's bottom line, but because the very existence of a well-functioning collective (whether it be economic or otherwise) threatens to call the bluff of capitalism under contemporary conditions of neoliberalism. The Cold War anti-communist paranoia explored in Chapter 4, which finds expression today in a new form in popular contempt for emerging economic alternatives to neoliberalism (the ALBA alliance, for instance), only sounds preposterous if one does not consider the con that lies at the heart of neoliberal capitalism, which is threatened by displays of collective solidarity. It is for this reason that from the Second World War onwards, much of the public relations industry sought to gut the notion of solidarity from our understandings of democracy. At the heart of the paranoid rhetoric that demonizes initiatives of collective action for self-determination lies a fear that the essence of capitalism is threatened the moment we realize that in throwing ourselves headfirst into struggles for collective betterment, we are

actually engaged in far more meaningful and enriching pursuits than the empty, vacant routines through which we may feed our fixations for profit and personal financial gain.

It is in this sense that democracy has been made to mean the freedom to pursue individual financial gain, unencumbered by the invasive hand of the state. In its extreme, it can also mean the freedom to own automatic weapons to defend oneself from the invasive hand of one's neighbour. This is a fundamentally hollowed-out version of democracy. It is, in fact, the obverse of democracy that is wearing democratic clothes. In being robbed of an intrinsic understanding of collective interconnectedness and solidarity, we are ripe to be endlessly consuming products that are marketed to fill the void left by this theft. Among the products offered for consumption is branded Democracy™. This is the version of democracy being invoked by Minister of Foreign Affairs Peter MacKay, when he writes that, "the defence of human rights and the consolidation of democratic advances are top priorities for Canada in Guatemala" (Appendix C). This is vacant rhetoric that belies the fact that the Canadian Embassy in Guatemala City is lockstep with a Canadian mining industry that is steadfast in its attacks on the actual democratic aspirations of local populations.

How does development factor into this argument? The development regime that emerges from this hegemonic construction of self-as-discrete-individual, serves largely the same system-serving function. "Under-developed" has come to mean lacking the conditions of (and hence the prosperity purportedly brought by) unfettered free-market capitalism. "Development" has thereby come to mean helping "underdeveloped" states "rise up," cast off their poverty, and join the free-market-embracing orgy of wealthy industrialized states. The banners analyzed in the pro-mining "protest march" of Chapter 3 reflect this, as foreign-owned mining ventures and the capital that they bring to the country are held out as a promise of "un-underdeveloping" the

nation, to borrow a term from Escobar. Subjects are urged to consider collective allegiances as incompatible with their own redemption, and thus abandon them. Expressions of collective solidarity in the North as well as Global South — especially collective resistance to this model of economic imperialism, are routinely derided, ridiculed, demonized and occasionally physically attacked.[164]

The hijacking of democracy and development, and the broader dangers of destabilizing our understandings of the world that Arendt and Hedges warn of in this regard, occludes another uncomfortable reality: the prosperity of the North is currently contingent upon the exploitation of the South. To borrow Foucault's terminology on biopower, we in the North are "made" to live (in the dual sense of make, meaning both facilitate and force) because others, far away, are "allowed" to die. Those faraway others who are allowed to die are coerced into joining this system by regimes of governmentality that promise "development" — they are coerced into sacrificing their lives so that others, living thousands of miles to the north, may prosper. This sentiment is expressed in both of the accompanying documentary videos, such as when Concepcion Kim Tiul exclaims, "we're eating shit here, and they're happy!" Subjects in the South are coerced with narratives that promise both their individual and collective development, and when they reject these narratives and struggle to unmask the ruse and unite their communities in defense of a more just and prosperous model of social development, they are

[164] This is evinced in matters far beyond resistance to mining examined in this dissertation; one need only consider the Canadian English-language media's general derision of the student protest movement that swept Quebec in 2012, ridiculing the protesters, who were resisting tuition increases, as spoiled children for seeking to maintain a system that will largely benefit future students — that is, will largely benefit those who will come long after these particular protesters have finished their studies and thus ceased reaping the direct benefits of subsidized education. Arguments for the transfer of wealth, via a minuscule increase on corporate tax levels, in order to maintain the current model of affordable public education, were responded to with scorn throughout much of English Canada, and some media in Quebec as well. Students, seen as the consumer in this equation, were implicitly expected to pay substantially more for the educational products and services that they are purchasing. Expressions of resistance to this truism were read as arrogant folly.

routinely targeted with all forms of repression, including threats, assault, torture and death. This is the core element of the "synthesis" of the proposed dialectical engine by which Canadian mining companies achieve "social license" to operate abroad. And who metes out this punishment to those resisting what they perceive as the destruction of their communities and livelihoods under the banner of badly-needed-development? It is certainly not those who benefit most from this model of "development." It is most often neighbours and fellow citizens in the Global South who have accepted, embraced and internalized the promise of development held out by incomprehensibly powerful forces from the North. As our pension funds refuse to divest from corporations that cause harms abroad and perpetrate the dynamic of resistance/counter-resistance detailed here,[165] and as our governments refuse to hold them accountable for harms

[165] The Canada Pension Plan (CPP) is invested in all of the Canadian mining companies referenced in this dissertation. The CPP, by its own legal mandate, does not divest from a company for any reason other than poor financial performance. Its actual mandate does not contain a reference to socially responsible investment (available at: http://www.cppib.ca/About_Us), nor does the legislation that defines its mandate — the Canada Pension Plan Investment Board Act (available at: http://www.cppib.ca/About_Us/Policies_Regulations/our_legislation.html and http://laws-lois.justice.gc.ca/PDF/C-8.3.pdf), nor does its "Statement Of Investment Objectives, Policies, Return Expectations And Risk Management For The Investment Portfolio Of The Canada Pension Plan" (available at: http://www.cppib.ca/About_Us/Policies_Regulations/our_policies.html). Its "Policy on Responsible Investing" (Aug. 10, 2010) (available at: http://www.cppib.ca/files/PDF/Responsible_Investing_Policy_August2010.pdf) does suggests that the CPP values good corporate conduct, yet only insofar as such behaviour generally leads to greater financial returns: "Responsible corporate behaviour with respect to environmental, social and governance (ESG) factors can generally have a positive influence on long-term financial performance" (p.1) and "it is our belief that responsible corporate behaviour with respect to ESG factors can generally have a positive influence on long-term financial performance" (p.2). Furthermore, good corporate conduct is considered only to the extent that it affects the financial bottom line: "Investment analysis should incorporate ESG factors to the extent that they affect risk and return" (p.1), and "we do not screen stocks or eliminate investments based on ESG factors" (p.2). Section 3, "Investment Strategy," states that, "the CPP Investment Board aspires to integrate ESG factors into investment management processes, *where relevant*, for all asset classes within the portfolio" (italics added). "Where relevant," ostensibly means where such factors may impact financial returns, as noted above. The document states that, "The CPP Investment Board considers the securities of any issuer all of whose businesses are lawful, and would be lawful if carried on in Canada, as eligible for investment," meaning that the CPP does not invest in organized crime but certainly would not shy away from legal businesses, like mining companies, that may then violate "ESG" factors, which, again, are not factors of consideration for investment/divestment. The section concludes by stating that, "We believe that engagement is a more effective approach through which shareholders can best effect positive change and enhance long-term financial performance." "More effective" ostensibly means more effective than divestment or threats of divestment. "Engagement" is explained in the following sections: amongst other things, it largely means contacting corporate boards or managers to discuss "ESG" issues, but the document is also very clear to note that, "Direct engagement is conducted privately because we believe this is more effective. Accordingly, we do not typically disclose the names of companies with which we have engaged" (sec. 4.2, p.3). (all links accessed 11 February 2013).

wrought abroad, we are thrust into the awkward position of reaping the benefits of the suffering of others. How we deal with this awkward reality forms a part of the basis of how we navigate our lives. In many cases, we may find ourselves gratefully (or begrudgingly) consuming an anesthetic that keeps our consciousness untroubled by this awkward reality. And if and when that position of willed ignorance becomes untenable, we may then discover that we confront a problem of almost unfathomable magnitude and dimension. This experience can lead to a begrudging tolerance for living with that which we may wish to abnegate the most: a kind of reluctant acceptance of walking with an uncomfortable stone in our shoe, for its removal seems too impossible — especially given the demanding task of merely attending to one's daily survival and the well-being of one's dependents. Since 2007, I have given public talks on the conduct of Canadian mining companies operating in Guatemala and Honduras, touching upon many of the issues explored in this dissertation. The reception to these talks has ranged from appreciative to outright hostile. On one occasion, an angry student questioned the purpose of such investigations, asking, with barely-concealed derision, what one can possibly hope to do to address a problem of such magnitude. He offered, "in case you hadn't noticed, none of us here are Gandhi." I presumed that he was inferring that it is utter folly if, through my presentation, I had any hopes that students in attendance might actually be able to do something to confront such an apparently intractable problem. I understood his anger as an extension of a more common response that results when the problems explored in this dissertation and touched upon in public talks are approached only in a "big-picture," systemic sense; doing so is unlikely to engender a response that is much different from a sense of begrudging acceptance of an overwhelming, frustrating and apparently unavoidable dilemma. The student seemed frustrated and angry that I would spend time unpacking the anatomy of such an apparently unavoidable

situation. If one approaches the problems presented here not conceived as a systemic whole, however (that is to say, a systemically unjust global socio-economic order), but rather approaches but one of its constituent parts, suddenly action can often then seem feasible. It is the sum total of small, specific, directed actions that often brings about larger social shifts, when viewed with the benefit of historical hindsight. Figures such as Gandhi who usher in broad, sweeping social changes, are often regrettably deified as possessing extraordinary powers to confront super-human forces in a way that we mere mortals can only admire from a distance, but can never emulate. It is in this sense that the aforementioned student derisively advised that neither he nor his colleagues "are Gandhi." Examining the day-to-day actions of figures such as Gandhi, however, often undermines this unhelpful and inappropriate exaltation. Gandhi's march to the sea, for instance, was not conceived to topple colonialism itself; rather, it was a gesture of defiance against an unjust salt tax, which of course was emblematic of the larger inequity of colonial exploitation. The tendency to aggrandize and venerate social figures whom we perceive to have had a large and positive impact upon society at large — the Gandhis and Martin Luther Kings of history — is the shadow that accompanies the fear and frustration of being overwhelmed by the apparent size and scope of social injustice and inequity. Neither response — fear of the enormity of the problem nor deification of those apparently godly figures who were strong enough to confront a problem of such depth and magnitude, is terribly helpful in approaching the problem, as both often serve to keep us from engaging, in the small ways in which we are capable, tasks that would actually confront the problem and advance steps towards something better. Such a response is certainly understandable, given the deep ideological grip that questions concerning distributions of wealth and power exert upon our consciousness (or as Zizek likes to note, it is easier to imagine the end of the world than the end of capitalism), but

this is all the more reason not to evade the problem but confront it directly. Documentary video, with its ability to reach out on intellectual and affective levels simultaneously, strikes me as one amongst many useful tools that can encourage us to do just that. It can not only bear witness to marginalized voices that are resisting the exploitative and destructive conditions, but in being both information and image-based, if used effectively, it can help to unmask the hijacking of the pivotal discourses used to legitimize these destructive practices, and can help to inculcate the critical consciousness that is needed to both resist this process, and engage in dialogue about viable alternatives. It can also inspire action to organize and effect such alternatives. Of course the particular documentaries that accompany this dissertation are but tiny offerings, whose effects may in fact be almost negligible. But if they prompt but one person to further explore the situations that they document, and that person's actions in turn prompt others to do likewise, larger shifts may slowly be possible.

These shifts are already evident within Canada. When I was mistaken for a Canadian miner in Guatemala in January 2005, as discussed in the prologue, the situation of Canadian mining companies operating abroad was barely a blip on most Canadians' radars. By 2013, not only is general awareness of the problem slowly beginning to change, but various legal efforts at holding Canadian mining companies accountable for crimes committed abroad have made some significant gains. Toronto-based law firm Klippensteins Barristers & Solicitors has been at the forefront of some important legal challenges.[166] The firm is not only representing the widow of Adolfo Ich and German Chub in their lawsuits against HudBay Minerals, but they are also representing a case against the company put forward by eleven Mayan Q'eqchi' women who allege to have been gang-raped by police and mining company security personnel during a

[166] See *supra* note 159.

January 2007 eviction in one of the more remote communities. HudBay had argued that all of these cases should be heard in Guatemala, not Canada. On February 25, 2013, Klippensteins announced that HudBay had,

> abandoned its legal argument that the lawsuit should not be heard in Canada, just before an Ontario court was set to determine the issue. As a result, and for the first time, a lawsuit against a Canadian mining company over alleged human rights abuses abroad will be heard in Canadian courts. "This is a stunning victory for human rights, and paves the way for future lawsuits against Canadian mining companies," said Murray Klippenstein, lawyer for the Mayan plaintiffs. "Corporations be warned — this case clearly shows that Canadian companies can be sued in Canadian courts for alleged human rights atrocities committed at their foreign operations."[167]

The hurdles that lie ahead for these cases are still immense, but the tireless pro-bono legal activism that Klippensteins engages in is but one example of steps taken to remedy the problem of abuses perpetrated by Canadian mining companies operating abroad.

Rigoberta Menchú, the Mayan K'iche' activist/politician who is perhaps most famous for having won the 1992 Nobel Peace Prize for her efforts at ending the conditions that gave rise to the internal conflict in Guatemala, explains that she is animated by a personal philosophy encapsulated by the phrase, *granito de arena* — tiny grain of sand. Her explanation likely would have been a suitable response to the student who angrily scoffed that he's not Gandhi. Menchú states that *granito de arena* is

> a profoundly humble phrase. It means to say, "I alone can't change things, but I can help to change things." It's a collective concept of change. It's revolutionary because it signifies a process, that the struggle can take many forms. Change comes through struggle. And grain of sand is a strong philosophy that unites collective rights and individual rights. Because what I give is only a tiny contribution, a grain of sand, because there is so much sand. For me there are no heroes, one more heroic than another. (Onís et al.)

[167] Press release, Klippensteins Barristers & Solicitors. Available at: http://www.chocversushudbay.com (accessed 25 February 2013)

I would hope that this dissertation might also somehow serve as a grain of sand that offers its own tiny contribution towards shedding light upon how the problematic activities of Canadian mining companies operating abroad are systematically advanced and legitimized. If so, I would hope that any insights gained might help to advance the ongoing struggles to disrupt and reconfigure the underlying structures of domination and exploitation that give rise to projects that are frequently billed as beacons of democracy and hallmarks of development.

Meeting between Sergio Campusano and Ron Evans

Figure 1.

Diaguita Huasco Altino leader Sergio Campusano (left) shaking hands with Ron Evans (right).
Evans is holding a pamphlet that Campusano had given him, expressing the Diaguita's rejection of Barrick's mining project on their territory.

Santiago, Chile. January 19, 2006. Photo courtesy of Sergio Campusano.

Figure 2.

Website of Canadian mining company IAMGOLD Corporation - http://www.iamgold.com

Figure 3.

Cover of Glamis Gold's 2005 Annual Report.

Figure 4.

Diodora Hernandez, who speaks out against Goldcorp's Marlin mine, and survived a brazen 2010 assassination attempt, in which she was attacked on her property by two men, who shot her point-blank in the face.

Photograph: James Rodriguez. Maquivil Hamlet, San Miguel Ixtahuacán, San Marcos, Guatemala. October 24th, 2011. Available at: http://www.mimundo.org/2011/10/25/2011-10-as-firm-as-a-tree-portraits-of-diodora

Goldcorp billboards. Guatemala City, 2009

All billboard images photographed by James Rodriguez, and available at http://mimundo.org

Figure 5.

Figure 6.

Development = health = better quality of life

For us at Goldcorp,
what is valuable is development

Figure 7.

We share the people's future and present

Montana Exploradora of Guatemala, a Goldcorp Inc. company

What is valuable is development

Figure 8.

Development = care for the environment = better quality of life

For us at Goldcorp, what is valuable is development

Figure 9.

"BECAUSE I BELIEVE IN CARING FOR

THE ENVIRONMENT

I BELIEVE IN THE MINE"

OVER 300,000 TREES PLANTED

What is valuable is development

Figure 10.

Over 300,000 trees planted

What is valuable is development

Figure 11.

"BECAUSE I BELIEVE IN

EDUCATION

I BELIEVE IN THE MINE"

OVER 5,800 CHILDREN WITH ACCESS TO EDUCATION

What is valuable is development

Figure 12.

Over 5,800 children with access to education

What is valuable is development

Figure 13.

We invest in the dreams of a developing country

Montana Exploradora of Guatemala, a Goldcorp Inc. company

What is valuable is development

Pro-mining march. Guatemala City, August 10, 2006

Figure 14.

Long live mining.

Figure 15.

We want mining in Guatemala.

Figure 16.

Mining is indispensable in our lives.

Figure 17.

Guastatuya survives thanks to mining.

Equating Mining with Development

Figure 18.

With mining there is development.

Figure 19.

Yes to development. Responsible mining.

References to the Collective / Common Good

Figure 20.

Mining = social development. Guatemalans support mining!

Figure 21.

Mining benefits all Guatemalans. Mining generates income for Guatemala.

Specific Community / Geographic References

Figure 22.

In Morazan we live from mining (this was the only sign in the march that appeared as though it may have been created by the individual holding it).

Figure 23.

The community of Santa Elena is present in favour of mining.

Figure 24.

The community of El Chepenal supports mining.

Figure 25.

Huehuetenango supporting mining.

Figure 26.

Baja Verapaz is mining.

Figure 27.

Huehuetenango is mining.

References to the "Grassroots" – to Children, Family or Community

Figure 28.

The community of (illegible) is present in the struggle. Yes to mining.

Figure 29.

For our future, we say YES to investment. We want our children to live better:
"Yes to mining."

Figure 30.

We want our children to live better. "Yes to mining."

Figure 31.

Long live community.

Figure 32.

My family eats from mining.

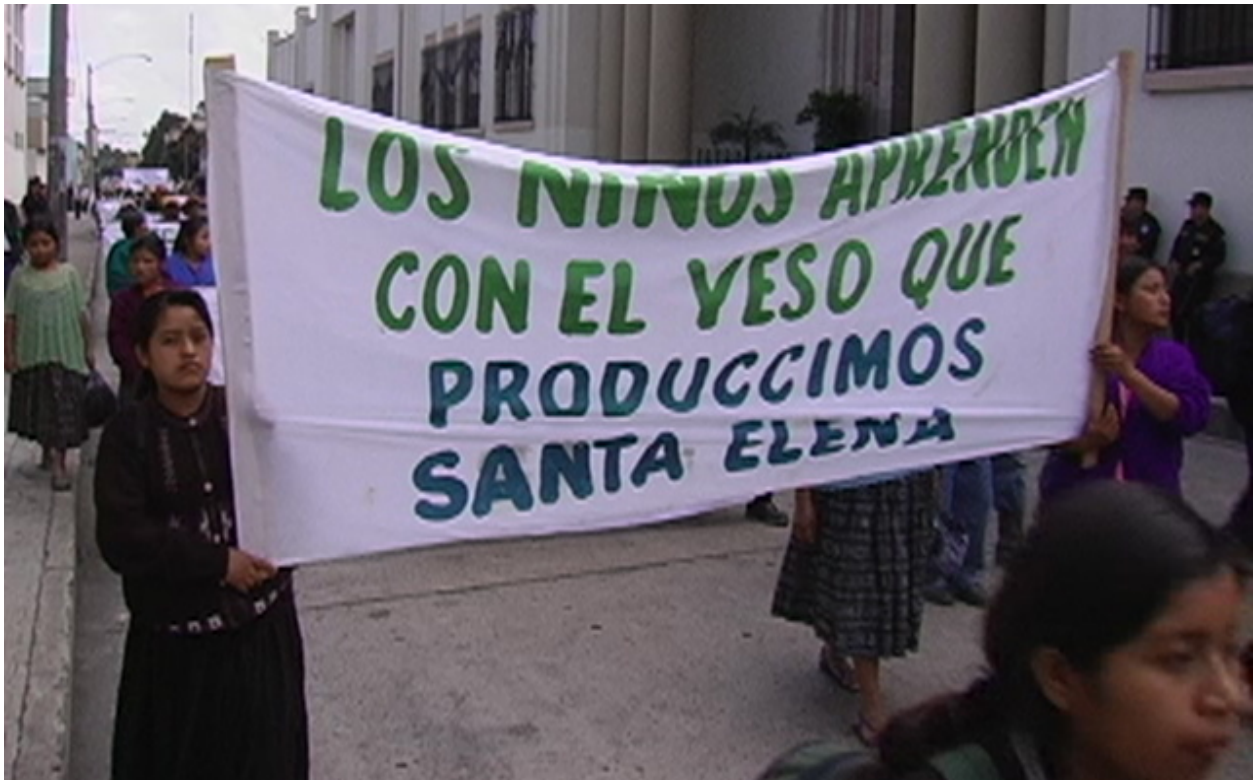
Figure 33.

Our families live from mining.

Figure 34.

I'm from El Estor and I believe in mining. For our family and community, "Yes to Mining."

Figure 35.



The children learn with the gypsum (plaster) that we produce. Santa Elena

References to Non-Open-Pit Mining Methods

Figure 36.

This gypsum is used to make cement.

Figure 37.

Izabal says yes to development. Responsible mining. Without lime there are no tortillas. Yes to mining.

Figure 38.

More than 100 years of experience. Mining in Huehuetenango

Legal References

Figure 39.

Community of La Cruz. No to the mining moratorium.

Figure 40.

Congress is to make laws. NOT!! to distort them. Respect the Constitution.

Figure 41.

We miners live from mining – not from laws.

Figure 42.

We abide by the requirements of the law. Let the law abide by its own requirements (or, we obey the lay – let the law obey as well).

Specifying what Constitutes Development

Figure 43.

We respect mineral rights. The law supports mining. We want health, education and progress. Yes to mining.

Figure 44.

We want health, education and progress: Yes "to mining."

Figure 45.

Mining is: technology, capital and progress. Therefore El Progreso says *Yes!!* to mining

Figure 46.

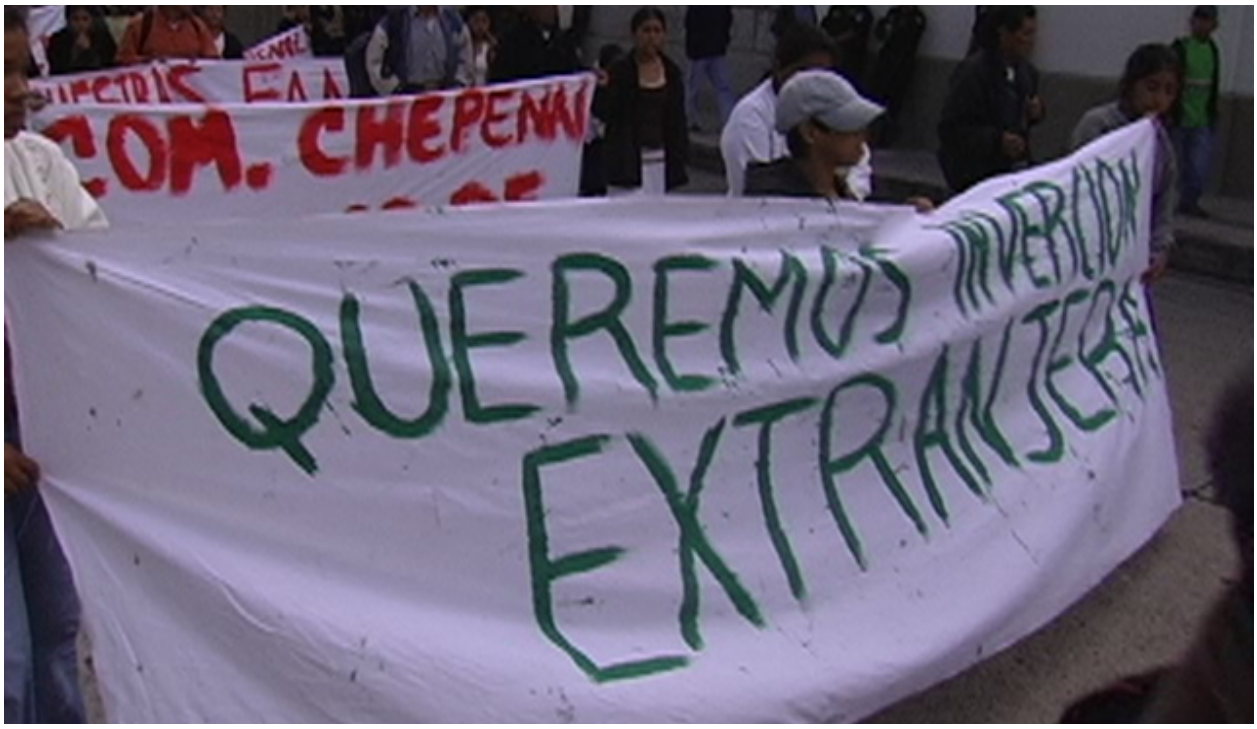
Without mining there would be no houses, cars, cell phones nor computers – only small farms, notebooks and ox carts.

Appeals to Foreign Capital

Figure 47.

Yes we want the development of the country. "We support mining." Mining generates foreign currency, investment and growth.

Figure 48.



We want foreign investment.

Indigenous References

Figure 49.

I'm indigenous and I believe in development. Responsible mining is life for everyone.

Figure 50.

Q'eqchi' miners. Proud of our work

<u>References to the Sacred / Spiritual</u>

Figure 51.

Mining is work for Guatemalans. I am a miner, I also believe in God

Figure 52.

I am a miner, and I also believe in God

Figure 53.

We miners dressed (or dress) the Virign of Chiantla in silver. Huehue supports mining.

Moral References

Figure 54.

We want to work honourably. Mining

Figure 55.

The (illegible) co-operative. We live from mining. We respect our fellow man.

Cracked Homes near Goldcorp's Marlin Mine

Figure 56.

A boy shows a large crack in the wall of his home.

Photograph: James Rodriquez. Agel, San Miguel Ixtahuacán. October 2, 2008.
Available at http://mimundo.photoshelter.com/gallery-image/Goldcorp-Marlin-San-Marcos/G0000sVAFsGwXRaU/I0000Is7grnlA5Sk/C0000yhU5pBx4pEE

Figure 57.

Owners of this home were forced to abandon it, as the cracks rendered it unsafe.

Photograph: James Rodriguez. Salitre, San Miguel Ixtahuacán, October 2, 2008.
Available at: http://mimundo.photoshelter.com/gallery-image/Goldcorp-Marlin-San-Marcos/G0000sVAFsGwXRaU/I0000MB8BEQDA2Qo/C0000yhU5pBx4pEE

Criminalization of Dissent

Figure 58.

The power line installed on Gregoria Crisanta Perez's property.

Photograph: James Rodriguez. Agel, San Miguel Ixtahuacán. October 1, 2008.
Available at: http://mimundo.photoshelter.com/gallery-image/Goldcorp-Marlin-San-Marcos/G0000sVAFsGwXRaU/I0000l.bv4wTxpiY/C0000yhU5pBx4pEE

Figure 59.

The power line that Gregoria Crisanta Perez short-circuited.

Photograph: James Rodriguez. Agel, San Miguel Ixtahuacán. October 1, 2008.
Available at: http://mimundo.photoshelter.com/gallery-image/Goldcorp-Marlin-San-Marcos/G0000sVAFsGwXRaU/I0000ZXC6Hx_f0uI/C0000yhU5pBx4pEE

Figure 60.

Gregoria Crisanta Perez stands with her daughter beneath the power line on her property that feeds the Marlin mine.

Photograph: James Rodriguez. Agel, San Miguel Ixtahuacán. October 1, 2008. Available at: http://mimundo.photoshelter.com/gallery-image/Goldcorp-Marlin-San-Marcos/G0000sVAFsGwXRaU/I0000zda0WQJR9qU/C0000yhU5pBx4pEE

Figure 61.

Seven of the so-called "Agel Eight" — local women charged with causing a short circuit that interrupted power to Goldcorp's Marlin mine in June 2008.

L-R: (with their hands held up) Crisanta Tomás Ayoc (pink), Olga Bámaca González (black), Patrocinia Mejía Pérez (red), Marta Pérez (blue), Crisanta Hernández (turquoise), María Catalina Pérez Hernández (black), and María Santadiaz Domingo (navy blue).

Photograph: James Rodriguez. Agel, San Miguel Ixtahuacán. October 1, 2008.
Available at: http://mimundo.photoshelter.com/gallery-image/Goldcorp-Marlin-San-Marcos/G0000sVAFsGwXRaU/I00006BB4JpMF6vs/C0000yhU5pBx4pEE

Consulta in Nentón, Huehuetenango. August 11, 2007

Figure 62.

Photographs (Figures 62-66): James Rodriguez. Images available at http://mimundo.photoshelter.com/gallery/Consultation-in-Nenton-Huehuetenango/G0000WQkZIvw7bu4/C0000yhU5pBx4pEE

Figure 63.

Figure 64.

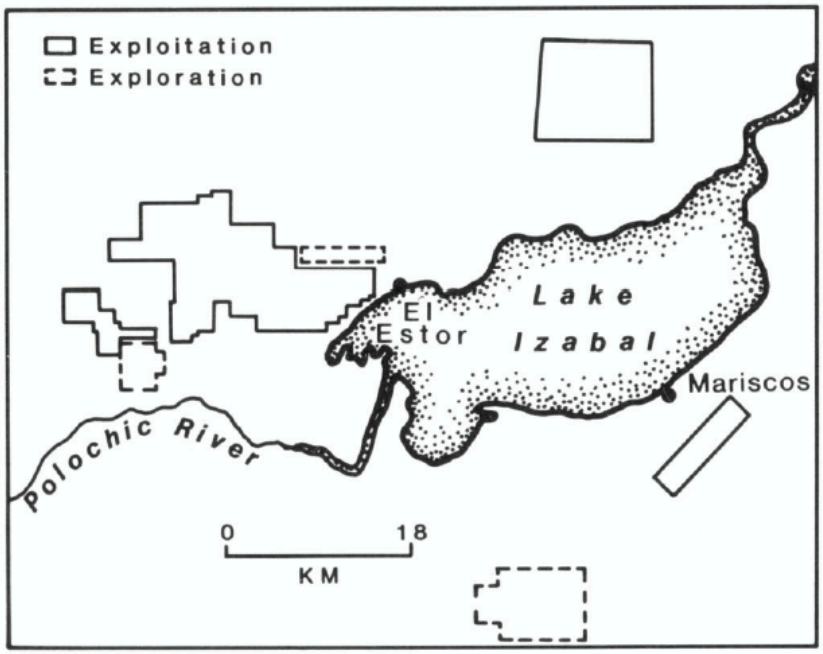
Figure 65.

Figure 66.

Exmibal's Nickel Concession

Figure 67.

Figure 68.



Map of Exmibal's Niquegua concession.

From Driever (1985) p. 34.

Evictions near El Estor, January 8-9, 2007

Figure 69.

Concepcion Kim Tiul angrily rails against the injustice of the evictions.

Stills from the documentary video, *Desalojo (Eviction).*

Barrio Unión, January 8, 2007

Photographs in Figures 70-79 shot by James Rodriguez. Available at http://www.mimundo.org

Figure 70.

Figure 71.

Workers hired to burn down people's homes attempt to mask their identities.

Barrio Revolución, January 9, 2007.

Figure 72.

Workers burn down people's homes in one of the evicted communities.

Barrio Revolución. January 9, 2007.

Figure 73.

Police supervise the burning of people's homes.

Barrio Revolución, January 9, 2007.

Figure 74.

Figure 75.

Heavily armed police oversaw the evictions.

Barrio Revolución, January 9, 2007

Figure 76.

Figure 77.

The Guatemalan military was also involved in overseeing the evictions.

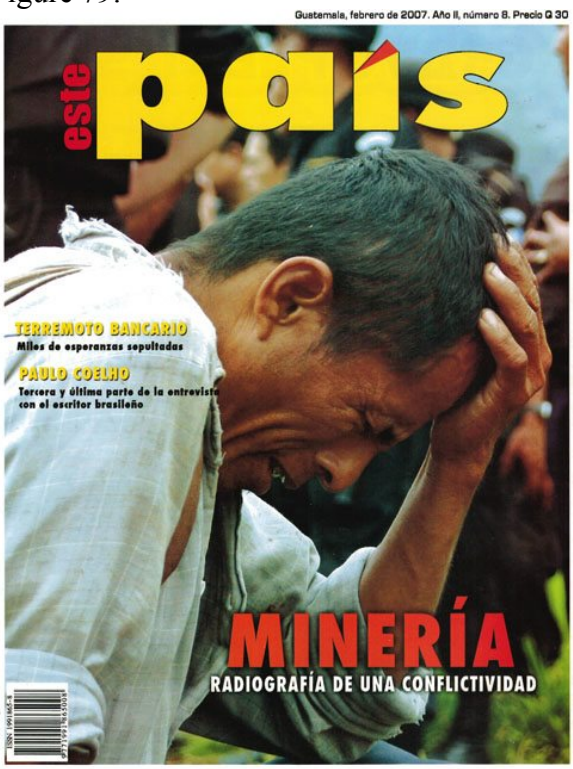
Barrio Revolución, January 9, 2007

Figure 78.

One of the images that Canadian Ambassador Kenneth Cook specifically referred to as having been from the Guatemalan civil conflict, which ended in 1996.
Depicted: Francisco Tiul Tut, in despair over the burning of his home.

Photographed by James Rodriguez. Barrio Revolución. January 9, 2007.

Figure 79.



Rodriguez's photograph of Francisco Tiul Tut on the cover of the February 2007 edition of the Guatemalan magazine, *Este País* (vol 2, no. 8) for a feature story on the evictions.

APPENDIX A

Name: Email: Submit

SKYE RESOURCES INC

Current Stock Quote: ▪ Last - 11.50 ▪ Volume - 261900 ▪ Day High - 11.73 ▪ Day Low - 11.25 ▪ Date - Jan 11, 2007

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SEDAR

LAND OCCUPATIONS END AT FENIX PROJECT

January 10, 2007

Vancouver, BC, January 10, 2007 – Skye Resources Inc. (Skye) confirmed today that the national police force of Guatemala had completed enforcement of court ordered evictions to remove squatters who had been illegally occupying lands at its Fenix Project site.

Five sites that had been occupied since mid-September 2006 were returned to Compañía Guatemalteca de Níquel S.A. (CGN), Skye's majority owned subsidiary, which owns the Fenix Project. A special unit of the national police that has been specially trained to handle land invasion situations conducted the operation.

"We are grateful to the Guatemalan Public Ministry and the National Police Force for the professional manner in which this unfortunate situation was resolved," said Ian Austin, Skye's President and CEO. "We also would like to thank the stakeholders on both sides of this dispute for maintaining a peaceful atmosphere during this action. We regret that our previous attempts at settlement of this issue through dialog were unsuccessful, but we also reaffirm our commitment to continue our discussions on matters of concern with the local communities in the El Estor region."

A total of five sites were addressed by the eviction orders. The squatters were notified in advance so that they could leave the sites prior to the arrival of the police delegation. As such, there were only approximately 155 individuals present on all five sites combined at the time of enforcement of the orders. During the final eviction, a small group of 15 squatters provoked a confrontation with the police, which was quickly dispersed.

The community relations team of CGN will begin immediately the process of working with the communities to restore the relationships affected by recent events and to continue their work to build a solid partnership between CGN and its neighbors.

FOR FURTHER INFORMATION PLEASE CONTACT:

Ian G. Austin
President & Chief Executive Officer
Skye Resources Inc.
Tel.: (604) 602-9500

Last updated on January 10, 2007

Legal Notice

APPENDIX B

Canadian Ambassador to Guatemala spreads misinformation about mining issues

February 28, 2007

A Public Letter To:

Peter MacKay, Minister of Foreign Affairs
James Lambert, Director General, Latin America and Caribbean Bureau, DFAIT
Kenneth Cook, Canadian Ambassador to Guatemala

RE: Canadian ambassador to Guatemala spreads misinformation about film documenting indigenous Mayan Q'eqchi' communities forcibly evicted on behalf of nickel mining company Skye Resources.

We, the undersigned, write with deep concern over the recent conduct of Canadian ambassador to Guatemala, Kenneth Cook. Ambassador Cook has been misinforming people about the work of Canadian doctoral student Steven Schnoor, who has been in Central America for several months conducting CIDA-funded research, in collaboration with Rights Action and various Guatemalan organizations and communities. The ambassador's allegations also prejudice public perception of the territorial claims of indigenous Mayan Q'eqchi' communities affected by Canadian mining company Skye Resources.

Multiple sources, including Guatemalan church leaders, have now attested that ambassador Cook has been engaging an active campaign of disinformation to discredit what Schnoor has brought to light in his recent work, which examines the conduct of Canadian mining companies operating in Central America, and traces complicity in human rights violations by such companies.

On January 8th and 9th of this year, Schnoor, Canadian journalist Dawn Paley and photographer James Rodriguez were present near the town of El Estor in eastern Guatemala during the forced evictions of several Mayan Q'eqchi' communities that had been residing on lands claimed to be owned by the Guatemalan Nickel Company -- a subsidiary of Canada's Skye Resources. The evictions were illegal, destructive and violent. Close to seven hundred police and soldiers -- many of whom were heavily armed -- encircled the communities as workers paid by the mining company destroyed people's homes. The army's involvement in internal policing is illegal under the 1996 Guatemalan Peace Accords. Skye Resources claims that the evictions were peaceful and that the forces that carried them out were unarmed.

Schnoor captured the evictions on video, and produced a 9-minute documentary that refutes the company's claims. This video, which has now circulated widely on the internet, shows some of Rodriguez's photos of heavily armed soldiers running through the woods, as families watch

their homes being burned to the ground. Also in the video, a Mayan Q'eqchi' woman furiously rails against the injustice of the situation as she and her family watch their home being dismantled by company employees, all the while surrounded by hundreds of police. The video is available at the following link:

http://www.rightsaction.org/video/elestor

Paley's article on the evictions, "This is What Development Looks Like," is available at http://www.dominionpaper.ca/articles/899, and Rodriguez's photographs of the evictions are available at http://mimundo-jamesrodriguez.blogspot.com/2007_01_01_archive.html.

In what can only be seen as an apparent effort to defend Skye's position and discredit the long-standing land claims, development and human rights needs of impoverished local Mayan Q'eqchi' peoples, ambassador Cook has been repeatedly spreading misinformation about Schnoor's video. Multiple sources attest that Cook has been insisting that the video lacks credibility for the following reasons:

1. The photographs shown in the video were not actually taken at the evictions; rather, they are actually old photographs -- from as far back as the Guatemalan internal conflict -- that have been used many times and in different places.

2. The impoverished Mayan Q'eqchi' woman who rails against the injustice of the forced evictions was actually an actress from the town of El Estor whom Schnoor paid to "perform" in this manner.

These accusations are extremely serious and entirely, unequivocally false. They discredit the legitimate voices of the Mayan people depicted in the video, and depict Schnoor as a manipulative propagandist. They deny the ugly reality on the ground, and imply that the indigenous peoples' voices of resistance and the images of the illegal evictions cannot possibly be real.

On Thursday, February 21st, Schnoor wrote an e-mail to ambassador Cook, insisting that the allegations are false and asking that Cook provide an account for why he, as a high-ranking representative of the government of Canada, would make such egregious statements. Schnoor respectfully asked Cook to cease making misrepresentations that cast aspersion on his work and interfere with his constitutionally guaranteed rights of freedom of expression.

To be absolutely clear: all photographs in Schnoor's video were shot by photographer James Rodriguez at the evictions near El Estor on January 8th and 9th, 2007. In fact, one particular photograph which Cook claims to have seen many times before -- of an indigenous man burying his head in his hand in a gesture of despair -- is currently on the cover of Guatemalan magazine Este País (February 2007, Vol. 2, No. 8) for a feature story on the recent evictions.

APPENDIX B

Several more of Rodriguez's photos from the evictions can be found inside the magazine. Dawn Paley, the Canadian journalist who was also present at the evictions and was also photographing the events, has photographs of the very same individual. All are willing to testify and provide evidence that Cook's allegations are entirely false and that all photographs included in the video were indeed taken at the evictions.

Cook's allegation that the Mayan Q'eqchi' woman in the video was actually a paid actress is so absurd that it almost might not merit a serious response, were it not for the damage such a claim can do to Schnoor's reputation, to say little of how insulting such a claim is to the woman in question.

We hereby call upon the Government of Canada for an explanation, apology and inquiry into this matter. We are very concerned that such behaviour is symptomatic of a larger policy position which privileges Canadian extractive industries operating abroad over concerns for the rights and well-being of local communities.

Those familiar with Guatemalan history know that the country is infamous for its record of repression, corruption and flagrant violations of human rights. During the 36-year armed conflict, which officially ended 10 years ago, it is estimated that over 250,000 people were killed or disappeared -- 80% of whom were indigenous people.

Canadian mining investment is implicated in this bloody history. Subsoil rights to the lands where the recent evictions took place were granted to INCO by a Guatemalan military government in 1965. INCO's activities were facilitated by brutal and repressive military dictatorships that massacred and repressed the local indigenous people. Both the United Nations Commission for Historical Clarification in Guatemala (CEH) and the “Nunca Mas” (‘Never Again’) report by the Human Rights Office of the Archbishop of Guatemala, found INCO (through EXMIBAL -- the Guatemalan mining company 80% owned by INCO) complicit in grave human rights violations against opponents of the mining project, including threats and assassinations.

It is within this historical context and through the recent illegal evictions that Skye Resources advances its plans for the Fenix nickel mine in the region. It does so despite local indigenous peoples' claims that they were never previously and freely consulted, as required by the International Labor Organization’s Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, ratified by Guatemala in 1996. Furthermore, Skye has never produced property titles to many of the lands it claims to own -- casting doubt upon the legality of the recent evictions.

The serious human rights violations and developmental harms that for decades have accompanied nickel mining near El Estor are but a few examples amongst many -- from

APPENDIX B

Guatemala to Ghana, from Colombia to the Congo -- of the complicity of Canadian mining companies, the Canadian government and by extension, the Canadian public, in political, socio-economic and cultural rights violations. For years, Canadian governments have promoted and funded harmful mining operations through the Department of Foreign Affairs and International Trade (DFAIT), the Canadian International Development Agency (CIDA), Export Development Canada (EDC) and the Canada Pension Plan (CPP). Many of the mining activities supported are at complete odds with the locally-controlled integral development envisioned by local communities and indigenous peoples.

We call upon Ambassador Cook to provide an account for why he made his statements and to publicly retract them. We call upon the Government of Canada for an inquiry into this matter, investigating the broader implications of the ambassador's actions -- actions that are symptomatic of Canadian government policy that privileges Canadian extractive industries operating abroad over the human rights and development needs of local communities. Cook's predecessor, James Lambert, also made public statements defending Canadian mining investments while dismissing concerns over human rights violations in the process.

We also add our voices to the others that are demanding the ratification of binding legislation in Canada that would hold Canadian mining companies and governmental institutions legally accountable for their complicity in human rights violations abroad.

We look forward to hearing from you and will respond to any questions you might have, provide further information about these issues and participate in any hearings your offices and parties might organize.

Respectfully,

Steven Schnoor, independent filmmaker & PhD candidate, York/Ryerson Universities
steven_s@yorku.ca

Dawn Paley, independent journalist
dawnpaley@gmail.com

Grahame Russell, Rights Action co-director
info@rightsaction.org

James Rodriguez, independent photographer
rodochan9@yahoo.com

APPENDIX B

cc. Canadian media outlets, leaders of opposition parties, foreign affairs critics, civil society organizations

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Gilles Duceppe, Leader of the BQ - Duceppe.G@parl.gc.ca
Jack Layton, Leader of the NDP - Layton.J@parl.gc.ca

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APPENDIX C

Subject: A05089-2007 IN REPLY TO YOUR EMAIL OF FEBRUARY 28, 2007
From: <min.dfaitmaeci@international.gc.ca>
Date: Fri, 22 Jun 2007 08:40:52 -0400
To: <steven_s@yorku.ca>
CC: <dawnpaley@gmail.com>, <info@rightsaction.org>, <rodochan9@yahoo.com>

Mr. Steven Schnoor
steven_s@yorku.ca

c.c. dawnpaley@gmail.com
info@rightsaction.org
rodochan9@yahoo.com

Dear Mr. Schnoor:

Thank you for your email of February 28, 2007, co-signed by Ms. Dawn Paley and
Messrs. Grahame Russell and James Rodriguez, regarding comments attributed to the Ambassador of Canada to Guatemala, Mr. Kenneth Cook, about your documentary film on the Guatemalan mining exploration operations of Skye Resources, a Canadian mining company.
I regret the delay in replying to you.

Canada expects and actively encourages Canadian companies to act with the utmost responsibility when operating abroad. Canada promotes respect for human rights and understands the complexities of issues relating to land rights.

Through its Embassy in Guatemala, the Government of Canada actively encourages open and constructive dialogue among all stakeholders in order to promote a well-informed and healthy debate. In addition, Canada encourages appropriate consultation and discussion with respect to any concerns that exist related to extractive industries. The defence of human rights and the consolidation of democratic advances are top priorities for Canada in Guatemala. Mr. Cook is fully apprised of these priorities and continues to emphasize them on a daily basis.

As part of a comprehensive and balanced engagement with Guatemala, Canada will continue to promote human rights, democracy and good governance as well as socially and environmentally responsible Canadian investment in that country.

Thank you again for taking the time to write and express your concerns.

Sincerely,

Peter G. MacKay
Minister of Foreign Affairs

s.15(1)
s.19(1)
s.20(1)(c)

APPENDIX D

Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada

PROTECTED

Date will be stamped by O/DMT

BPTS Tracking Number, e.g. DTB 0XXXX-2007

Drafter: Marcel Belec/WOL/944-2419
ADM: Ken Sunquist
Branch: WMM

MEMORANDUM FOR INFORMATION

TO:	**The Minister of International Trade**
ISSUE:	Possible meeting with CEO of Skye Resources

SUMMARY:

Mr. Ian Austin, President and CEO of Skye Resources will be attending your speech, to the members of the Canadian Council of the Americas in Vancouver, Friday the 22nd of February. Skye Resources, a Vancouver based nickel company, has plans on investing close to a billion dollars to refurbish a nickel mine once owned by INCO in Eastern Guatemala on the shores of lake Izabal.

The company has been the target of various protests by indigenous groups, and NGO's. It has however benefitted from the willingness of the local Bishop to chair regular consultations aimed at better understanding and the resolution of some community interests. [redacted]

[redacted]

In the absence of vocal government and community support before the evictions and of a plan to avoid violence during and manage the situation after the evictions, Skye risks being vilified again for forced evictions. Moreover the invasions will likely recur as soon as the police withdraw. There is no permanent police presence in the area and sabotage has been used in the past and risks being used in the future.

[redacted]

APPENDIX D

Marie-Lucie Morin
Deputy Minister of International Trade

I concur

_____
Minister

BACKGROUND:

Canadian firms play a major role in mining in Guatemala which has only taken on real significance since 2005. The major mine in production is the Goldcorp Marlin mine in the Department of San Marcos. It has become one of the top three contributors to corporate income tax in Guatemala but is wrongly attacked for removing 99% of revenues from Guatemala. Once a planned second Goldcorp gold mine and the Skye Resources nickel mine are in production (estimated late 2009 - [redacted]) the revenue potential for Guatemala not only for the government, but also for local communities is sizeable and could allow the Guatemalan government to reach its Peace Accord Revenue targets and more. The industry has, however, been criticized by environmentalists, indigenous communities, one wing of the church and Cdn and foreign and local non-governmental organizations opposed to mining. All of these groups have been prepared to use disinformation and scare tactics [redacted] The legally required distribution of income between local and central authorities is also a subject of hot debate. [redacted] The companies have adopted their own CSR policies which are reinforced in frequent meetings with the Embassy. Both Goldcorp and Skye Resources for example affirm their adherence to the Equator principles and in general to the highest international standards and requirements of national law. They have also adopted their own community consultation and community benefit projects based on advice from experts, and other companies experience. There is however no neutral and credible monitoring agency to provide a transparent view of what is happening, what disinformation is being circulated and what the mining companies could be doing better.

Skye Resources (of Vancouver) has plans to spend close to a billion dollars to refurbish a long dormant Ferro-nickel mine that was once owned and operated by INCO on the banks of Guatemala's lake Izabal. It aims to produce over 11,300 tonnes in the first year, increasing to 20,400 tonnes in the second year and reaching close to 25,000 tonnes in the third year of production. Violent scuffles broke out in the fall of 2006 when people opposed to the mine in the area burnt down a hospital, a school and a community centre built by Skye. Further controversy occurred when squatters who had taken over land in the fall of 2006 were evicted by police (under a court order) in January 2007. Since the new government took office on January 14, 2008

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s.20(1)(c)

land invasions on a larger scale (and not by peasnat indigenous farmers) have taken place and are impeding the company from conducting normal business. President Alvaro Colom has been made aware of the situation by our Ambassador and company officials and has stated that similar incursions are happening around the country. [redacted] Land has now become the major issue surrounding this mining development dwarfing other concerns. [redacted]

Canada's image in Guatemala is generally excellent but is affected by perceptions of the mining industry and the idea that the Canadian government actively promotes mining in developing countries without regard for CSR. Several press articles on the subject and a video documentary of land evictions from a Canadian-owned nickel mine were released in January 2007, raising public awareness on the issue in Canada. The Embassy encourages dialogue on mining issues among government officials, local communities, the church, civil society and Canadian mining companies, and meets with mining company representatives routinely to strongly encourage continued compliance with the highest international environmental and corporate social responsibility standards. The Embassy sponsored three conferences on CSR in 2007 and participated in the Inter-American Development Bank Conference on CSR in December, 2007

The Ambassador also attended a CIDA supported roundtable on indigenous governance and the extractive industries being organized by FOCAL in mid-February, 2008 as well as meeting withwith the papal nuncio who has come to realize the issue is not as had been outlined to him by a local Bishop who has been vocal in opposition to mining in San Marcos. [redacted] No reference was made to the 136,000 dollar grant by CIDA for these workshops in Peru and Guatemala.

s.15(1)
s.19(1)

Rose, Mary -RLC

From: Cook, Kenneth -GTMLA -HOM/CDM
Sent: January 21, 2008 11:29 PM
To: Kaduck, Michael -RLC; Leveque, Alexandre -RLC; [redacted]; Rose, Mary -RLC; LanganTorell, Pat -WOL; Belec, Marcel -WOL; Leger, Louise -WMT
Cc: *RLD; Guilbeault, Maryse -GTMLA -GR; Luttmann, Christine -GTMLA -TD; [redacted] Reinecke, Karin -GTMLA -GR; Cook, Kenneth -GTMLA -HOM/CDM
Subject: Protected A Skye resources CGN - mission critical. Follow up

Skye resources may call DFAIT tomorrow to request assistance.
Friday evening I was informed things were calmer at mine site near El Estor and discussions underway with invaders.

[redacted]

.Monday about six pm [redacted] consultant to skye, called me to say that situation had deteriorated and that anarchic free for all land grab was underway. [redacted]

Embassy help requested.

I spoke with [redacted] and with private secretary of president Colom. [redacted] and private secretry [redacted] called back to say that President had been in meeting with security cabinet and that all were informed of crisis including danger of injury to people [redacted]

Promises of immediate action received. Will see tomorrow if promises more solid than those given Friday last.

[redacted] has promised to keep me informed as have Skye - CNG management on the ground.

Kenneth

Sent from my BlackBerry Wireless Handheld

Protected A – privileged communications with a Cdn company and the Guatemalan government.

Meeting with Skye Resources (CGN, El Estor)

Present were

[redacted] VP Operations
[redacted] Vice President Environment, Health, Safety and community affairs
[redacted] "Monkey Forest" (firm specializing in community relations)
[redacted] local employee of Skye responsible for Community relations

From the Embassy

Kenneth Cook, HOM
Maryse Guilbeault, PERPA
Carlos Rojas-Arbulú unable to attend due to other commitments

Summary: Following the events of the weekend and Monday November 13, the Company asked for a meeting to discuss the events [redacted] The land occupations by four groups had been ongoing for months and Skye resources had initiated a legal procedure for the eviction of the squatters. [redacted]

The confrontation (2 persons injured) and destruction of company property (community relations office and health clinic for local populations) [redacted]

Report:

Key points:

- The reports that there would be no friendly takeover of Skye resources by a larger company and the reports of the problems experienced in El Estor over the weekend [redacted]
- The company affirms it has held consultations with all imaginable stakeholders over an extensive geographic area that there is a good deal of support. The town has suffered from the closing of the INCO mine. About

APPENDIX F

1,200 jobs will be created and over a billion dollars invested. [redacted]

- The company expects to be mining the area for 20 years and therefore wants good community relations and public confidence on issues like the environmental impact.
- The squatters had been there for a couple of months and the company had initiated the slow process of obtaining a court order for eviction. It is expected soon but they still don't have it.
- (As reported by the company) The events of the weekend were not an exercise in forced eviction. The public prosecutor started by explaining that an order would be issued soon and that was therefore in the squatters and new invaders interests not to be there when the order is issued as they could face charges. The group of recent "invasores" - at the time - were without the leaders of the group and accepted to leave. Upon learning what has happened the leaders returned and set a trap for the police (who were backed up by members of the armed forces) by announcing that a dead body had been found near the boundary of the Mine's property. On arrival they were greeted with a shower of rocks and some gunfire into the air. The security forces were very restrained and did not counterattack or use inappropriate force. Their action was purely defensive. One policeman and one protestor were hit on the heads with a rock. Neither seriously wounded.
- The protesters withdrew. The next day a group [redacted] to attack company property – notably the community relations office ([redacted] and more seriously burning a recently built and equipped health centre that was attending the local population. They also burned down a country house belonging to the Mayor and marched on the local police commissariat but were unsuccessful.
- Following the acts of destruction they left and the situation has been calm. Two other groups of squatters have also left [redacted] perhaps concerned that the local communities would blame them for the destruction of the health centre. ([redacted]
- On the property issue, the company has arranged to have the area – going well beyond their borders, surveyed and title searches done. [redacted]

- [redacted]
- [redacted]
- The discussion included much explanation on their part on extensive consultations and demonstrations of the limited impact that their surface mining operation would have. (One site is repaired before moving on to another). In the absence however of an agreed framework for consultations there will always be groups who claim to be stakeholders who have been overlooked.
- They affirmed that they had the support of [redacted] large numbers of people who are looking forward to the jobs and spin-of benefits of a billion dollar investment. They remained confident that if they are patient enough they will succeed.
- In a separate discussion between Commercial Counsellor and Bill Enrico and Regina Rivera, they affirmed that the company continues to support reforestation projects in the area. [redacted]

Conclusions and proposed actions:

We need to agree on the extent to which the Embassy should be pro-active. (Canada's investment in Guatemala is estimated at close to US$ 500 million). Companies are anxious for our moral support and advice but are not seeking open lobbying or the appearance of lobbying for them. In the highly politicized atmosphere GTMLA is experiencing at the moment, we would agree absolutely. This does not preclude meeting with senior government officials including the VP to gain a better understanding of the

position of the government [redacted] and any plans they may have especially in light of forthcoming elections on the one hand and concern about the negative image that disturbances provide of the risk of doing business, notably in indigenous areas -- those that most need investment. The Guatemala-Canada Chamber of Commerce has formed a mining committee and there is talk about [redacted] concerns about the impact on investment that the anti-mining campaign is having. [redacted] This is an initiative worth supporting as hiring North American experts would be as well received. I also believe that we should hear for ourselves from the local stakeholders in El Estor. [redacted] It has been said before but it is worth saying again that if the socio-political issues can be dealt with and clear rules of engagement achieved, Canada would become the largest Greenfield investor in Guatemala. The Marlin mine is already the 4th largest payer of income tax. Imagine a 1+ billion investment – assuming always that the price of nickel remains above 5 dollars (currently 15).

APPENDIX G

FASKEN MARTINEAU

Briefing Note

Private Members' Bill C-300

ISSUE:

- Canadian resource and extraction companies with investments in foreign countries are very concerned about the potential for adverse impacts from the passage of John McKay's Private Members' Bill C-300 (the "**Bill**"), which proposes the *Corporate Accountability of Mining, Oil and Gas Corporations in Developing Countries Act.*

CONCERNS:

- Among the many concerns, Bill C-300:
  - **Seriously disadvantages Canadian companies working abroad compared to their foreign competitors not be subject to the new, onerous, unclear, and unnecessary rules;**
  - **Creates significant uncertainty and a duplication of "red-tape" at a time when Canadian companies are struggling with grave financial challenges;**
  - **Is glaringly deficient in design, with massive sanctions attaching to conduct 'inconsistent' with rules not yet crafted based on guidelines not yet set;**
  - **Will encourage a flood of frivolous and vexatious complaints from leftwing NGO's opposed to the very fact of Canadian companies operating abroad;**
  - **Will prevent the federal government from dismissing frivolous complaints without the cost, disruption and reputational impact of an investigation;**
  - **Creates a duplicate process for dealing with complaints against Canadian companies operating abroad;**
  - **Creates new rules and standards for Canadian companies operating abroad without regard to the domestic rules and regulations of those countries;**
  - **Was drafted without input from the companies to which the proposed law would apply; and**
  - **Ignores the fact that a comprehensive government strategy in this area was announced a very short time ago which companies are reviewing but which is viewed as workable and pragmatic.**

DESIRED OUTCOME:

- That Bill C-300 is defeated when it is voted on during the week of April 20/09.

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APPENDIX G

BACKGROUND:

- On March 26, 2009, the Federal Government announced the release of the Strategy, which embodies its CSR strategy for Canadian extractive sector companies operating abroad.

- The Strategy was the result of an exhaustive consultation process that began in 2006 and involved a number of stakeholders, including the National Roundtables on Corporate Social Responsibility and the Canadian Extractive Sector in Developing Countries, as well as recommendations made by the former Standing Committee on Foreign Affairs and International Trade.

- Canadian companies in the extractive sector are generally supportive of the Strategy and have applauded the extensive and thoughtful process through which it was created.

Bill C-300

- Independently of the Strategy, and in fact over a month before its release, Liberal Member of Parliament John McKay introduced the Bill on February 9, 2009.

- The impetus for the Bill came from various interest groups (i.e. non-governmental organizations) that are concerned with the apparent lack of CSR demonstrated by the extractive sector in developing countries.

- The Bill was hastily drafted without the benefit of an extensive and consultative investigation that is required to adequately address the many factors implicated by such an instrument.

- Companies are concerned because there has been a high level of support from, and apparent engagement with, anti-mining NGOs with John McKay in advance of and throughout the drafting of the Bill.

- By contrast, there has been, to date, no input sought or provided from the private sector to John McKay; "not even a courtesy call giving a heads-up" complained one company executive who has been engaged on the CSR issue for many years.

- As the Bill has gained momentum (it was debated at second reading on April 3, 2009), so too has the concern of many stakeholders in the Canadian extraction sector, for the following reasons:

    - **The Bill lacks the substantive guidelines at its heart**, as they are to be drafted by the Ministers within twelve months of the Bill's passage. Enacting the Bill before populating the guidelines creates tremendous uncertainty for companies affected, which could significant impact existing operations, especially in a time of global economic fragility.

- **There are no consequences for an individual or group filing complaint after complaint.** The Bill contemplates a process whereby complaints may be made by Canadian citizens or residents or any resident or citizen of a developing country in which mining, oil or gas activities have occurred or are occurring. Complaints will then be examined by the Minister, unless the Minister determines that the request is frivolous, vexatious or in bad faith. The worst thing that can occur to a complainant is that the Minister will decline to investigate. However, a complainant may take advantage of the opportunity of filing a complaint to issue a press release or make a public statement indicating that a complaint has been filed and that the Minister is considering the matter (which may give the complaint credibility, regardless of merit). These types of allegations will be instantly transmitted via internet and will live on forever thereafter, regardless of whether the Minister eventually dismisses them in Canada Gazette (not a high profile medium).

- **The Minister will be placed in a position where it is almost impossible to dismiss a complaint without examination.** How will the Minister make such a determination about a matter that will have been alleged to occur in another country, perhaps in the past? It is difficult to conceive of an allegation being dismissed out-of-hand simply due to the amount of information that would need to be compiled (that would not be available) and, as a result, the Minister would effectively be forced to investigate each and every complaint made to it. This would lead to a constant state of "investigation" by the Minister of Canadian companies doing business abroad and gross, unwarranted reputational damage to Canadian companies that would end up effectively "sanctioned" by the Government of Canada, however inadvertently.

- **Canadian companies would experience tremendous difficulty in enforcing any remedies against the overseas filers of complaints that are frivolous, vexatious, in bad faith or untrue.** The Bill has not accorded the appropriate weight to the ability of Canadian companies to protect their reputations in the face of unfounded allegations under it.

- **The Bill would establish a duplicate process for dealing with complaints against Canadian companies operating abroad**. Generally speaking, the measures contained in the Bill are already in place, required and enforced in various other incarnations, such as those imposed by Export Development Canada ("**EDC**"), the International Financial Corporation and the Global Reporting Initiative. The Strategy adequately summarizes those measures and their impact on Canadian companies.

- **The Bill proposes new guidelines and standards without regard to the rules and regulations of the sovereign countries in which the investment is occurring.** The host countries are important stakeholders that ought to be granted thoughtful consideration in this debate; certainly greater than that evidenced in the Bill.

- **Legislation of this type unfairly risks the competitive position of certain Canadian companies**, as the Bill would not apply to foreign-controlled companies operating in Canada or to Canadian companies operating in countries that are not considered "developing" (i.e. not eligible for Canadian International Development Agency funding).

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