



Human Rights and Chinese Business Activities in Latin America

Cases from Argentina, Bolivia, Brazil, Chile, Colombia,
Ecuador, Mexico, Peru and Venezuela

Midterm Report on the Universal Periodic Review of
the People's Republic of China

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1. Lithium mining in the Olaroz-Cauchari salt flat, Argentina

Summary case information

Location Department of Susques, Jujuy Province, Argentina.

Chinese company Jiangxi Ganfeng Lithium Co. LTD (GFL Lithium Co. LTD) as a shareholder of Minera Exar.

Sector: Mining.

Project Status: Under construction.

Population or groups affected: Native communities, local population, farmers.

Natural environment impacted: Wetlands, water.

Main Human Rights violations: Right to consultation, Right to access to water.

Organisation responsible for the case file: Fundación Environment and Natural Resources Foundation (FARN)

i. Description of the project

It is a mining project located in the Argentinean part of the lithium triangle. In Argentina, lithium-related activities are concentrated in the north-western provinces of Jujuy, Salta, and Catamarca. Minera Exar's project, located in the Olaroz-Cauchari salt flat, started filling the first lagoon in November 2018, and construction of the plant began in 2019. Olaroz-Cauchari is a closed water basin located 4,300 metres above sea level and is considered a fragile ecosystem with year-round water scarcity, and is inhabited by indigenous communities.

The project affects the 6 Atacama indigenous communities located in the department of Susques¹, which has a population of approximately 3,600 people. Since the installation of the project, the social and economic situation in the communities has already been altered and uncertainties have arisen with regard to the environmental situation, aggravated by the context of the Covid-19 pandemic.

ii. Main rights violated

Violations of the right to prior consultation to the affected indigenous peoples:

The socio-economic situation of the communities (which limited basic services and very few employment opportunities) placed them in an unequal position vis-à-vis the company and of inequality vis-à-vis the company and, to a large extent, has conditioned the capacities, available options and expectations of the communities, available options and expectations of the communities during meetings and negotiations. The information provided by the company on the social and environmental impacts of the project was not accessible, clear, or objective, and community members have highlighted the highlighted the absence of environmental information, as a result, there was inadequate information to define their consent to the project. The absence of the State at meetings between representatives of the company representatives and the affected communities, so that the consultation hearings have been delegated to private actors.

Violations of the right to a healthy environment:

The negative impacts of lithium mining, a highly demanding activity in terms of freshwater, could have on the area's ecosystems. In particular to wetlands, key units in the Puna, with a key

¹ Exar's operations are located on land owned by six communities: Huancar, Pastos Chicos, Olaroz Chico, Puesto Sey, Catua and Susques with whom the company has formal agreements. The communities of Huancar and Pastos Chicos are in Minera Exar's area of direct influence of Minera Exar and hold title to the land where the projects are located.

contribution to the main productivity, sustaining vertebrate animal populations and vertebrate animal populations and biodiversity, and their role in the regulation of water resources.

The Defensoría del Pueblo de la Nación (National Ombudsman's Office) has expressed concerns about the lack of baseline information to properly assess environmental impact studies provided by companies and to monitor their activities.

Violations of the right to access water:

A study carried out by experts from the Catholic University (UCA) revealed that more water is extracted from the basin than enters the basin naturally, which points to the possibility of serious water shortages if action is not taken immediately. Furthermore, the abstraction techniques used also entail a risk of salinisation of the scarce freshwater in the area, which could affect access to water for some communities and their productive activities such as agriculture and family livestock farming, as well as flora, fauna, and wildlife.

Violations of labour rights:

There are some members of the communities who have a more positive stance towards mining companies, mainly focused on employment opportunities. There are agreements between Exar and the communities located in the area of direct influence, according to which the company must employ members of the communities, but the details of the agreements have not been disclosed.

As of July 2020, work on the lithium mine involved 20% of the lithium mining accounted for 20 per cent of the contagions in the province of Jujuy, making it the sixth most infected district nationally with infections, which led to the suspension of work. This led to a criminal complaint that the provincial government filed against the Exar mining company.

iii. Methodology

The information for this case was collected by FARN. It was based on official reports from the Argentine State, secondary information such as the Atlas of Environmental Justice: <https://ejatlas.org/conflict/mineria-de-litio-en-el-salar-de-olaroz-cauchari-argentina> and information provided directly by local organisations.

2. Steel project El Mutún, Bolivia

Summary case information

Location: Santa Cruz Department

Chinese company: Sinosteel Equipment & Engineering Co. Ltda.

Financiers: Export-Import Bank of China

Sector: Mining

Project Status: In progress

Population or groups affected: Indigenous peoples and peasant populations with an agro-livestock vocation

Natural environment impacted: Otuquis National Park and Integrated Management Area. Bolivian Pantanal (Ramsar site) and Bosque Chiquitano Dry Forest

Main Human Rights violations: Right to consultation, right to a healthy environment, labour rights.

Organisation responsible for the case file: Documentation and Information Centre Bolivia (CEDIB)

i. Description of the project

It consists of the transformation of iron ore into various processed products, from the exploitation of one of the richest deposits of iron ore in the world. It is planned to incorporate 900,000 tonnes of iron ore per year and to produce pellets, iron ore pellets, steel and rolled steel. To this end natural resources, in addition to ore, will include 105 litres of water per second and a thermoelectric plant will be built, which will use 609.04 m³ of natural gas per day. The water supply will come from a source located 108 km away, crossing the Otuquis National Park and Integrated Management Area, an area that was severely affected by forest fires in 2019 and which was by forest fires in 2019 and 2020.

The project affects more than seven rural communities (San Salvador, Santa Ana, San Pedrito, El Carmen de la Frontera, Colonia Warnes communities and the community of San Juan) that are dedicated to livestock, mostly cattle and agricultural production. In addition, it will have a negative impact on the territory of Pueblos Indigenos Chiquitano and Ayoreo communities, which are in a vulnerable communities that are in a situation of vulnerability, and whose right to prior consultation has been denied.

ii. Main rights violated

Infringement of the right to prior consultation of the Ayoreo and Chiquitano indigenous communities: Prior consultation has not been carried out to the affected indigenous peoples has not been carried out. During the elaboration of the Environmental Impact Assessment Study, in a meeting they were only presented with general information about the project but not about the environmental and socio-cultural impacts².

Infringement of the right to a healthy environment healthy: The Environmental Impact Assessment Study identifies impacts on the National Park and Integrated Management Natural Area Otuquis, a protected area with a total surface area of 1,005,950 hectares (ha), of which 903,350 (ha) correspond to the National Park and 102,600 (ha) to the Integrated Management Natural Area. Otuquis is one of the largest wetlands in the world. Affecting the wetlands would have a knock-on impact that will also affect flood control or detention.

Infringement of labour rights: Since 2015, the Mutún project has had frequent labour problems that have led to several worker protests by the workers. Also, in June 2019, uncertainty and lack of information about the implementation of the project led to several protests by trade unions³.

iii. Methodology

The information on this case was collected by the CEDIB. It was based on the project's Environmental Impact Assessment (EIA) of the project, secondary information and that provided by local organisations.

²Environmental Impact Assessment Study

³Pan-American Mining, Bolivia: delays in El Mutun projects spark protests, 4 June 2019; Los Tiempos, State management at El Mutun on the brink of failure, 15 August 2015; Erbol, Mutun workers stage stoppage and blockade, 17 August 2015.

3. Buriticá Mine, Colombia

Summary case information

Location: Vereda Higabra, Municipality of Buriticá, Department of Antioquia, Colombia.

Chinese company: Zijin-Continental Group, subsidiary of Zijin Mining Group

Sector: Mining

Project Status: Operational since October 2020.

Population or groups affected: Native resident farmers of the Higabra village, and from surrounding communities such as the El Naranjo, La Angelina, Las Veredas Angelina, Las Veredas, Mogotes, Los Asientos and Murrupal.

Natural environment impacted: Tropical Dry Forest.

Main Human Rights violations: Right to a healthy environment, Labour rights, Right to housing, Right to water, Right to health, Right to free mobility, Right to culture.

Organisation responsible for the case file: Rios Vivos Movement Colombia

i. Description of the project

The Buriticá gold mining project has been operated since 2007 by the Canadian company Continental Gold. In December 2019, it was acquired by the Chinese company Zijin, which expanded the project considerably to process between 2,500 and 4,000,000 tonnes of mining material per day and extract approximately 300,000 ounces of gold per year⁴. The project area is approximately 75,583 hectares⁵. After three years under construction, the Buriticá mine started operations in October 2020, becoming Colombia's first large-scale underground gold mining project with a 14-year mine life.

The Buriticá mine has a long history of social and environmental problems. It promoted the growth of informal mining in Buriticá and neighbouring municipalities⁶. It also had serious environmental impacts due to mercury and cyanide contamination and a very high consumption of water to process the ore. It affects the population of seven peasant communities and the residential area of Higabra. These communities have a large population of children and the elderly, who are highly vulnerable to the impacts of environmental contamination generated by the operation of the Buriticá mine. The communities denounce the impact on their health, freedom of movement, tranquillity and a healthy and peaceful environment. There are also cultural impacts associated with the search for profit and the loss of a productive agricultural culture. There are around 250 people directly affected.

ii. Main rights violated

Infringement of the right to a healthy environment: The Higabra community is located in the heart of the mining project and is directly affected by the constant noise, dust and chemicals. In addition, they have expressed their fear that the water sources that provide the vital liquid to the entire community could be contaminated and dry, and that these water sources would be compromised due to the mine's work. The Cauca River has been affected by contamination from the mining project⁷. With the expansion of operations, these problems will increase. The mining project has destroyed the ecosystem in the area between the Higabra and Mogotes villages. Mogotes; savannah vegetation was affected, bushes, giant trees and a great variety of wildlife. The impacts include, affectations to the wild fauna, contamination of the soil, water and air with chemicals such as cyanide, methadisolphite, peroxide, among others.

⁴<https://www.mineria-pa.com/noticias/colombia-inaugura-mina-de-oroburitica-del-grupo-chino-zijin/>

⁵<https://www.continentalgold.com/en/projects/buritica/overview/>

⁶https://mesatransparenciaextractivas.org/Opini%C3%B3n/Blogs/ Detalle_Blogs/ArtMID/479/ArticleID/224/191Impacto-directo

⁷<https://www.youtube.com/watch?v=r9OLIVjzylk>

The company uses cyanide, a highly toxic chemical, despite the fact that its operations are adjacent to the Higabra community. The water pollution has caused the death of wild, domestic and grazing animals. Many water sources have dried up, and others are seriously threatened because of the continuous blasting carried out by the mines on a daily basis affect the groundwater veins. Blasting also causes erosion and air pollution. In addition, they have destroyed the ancestral roads used by the community with high tonnage vehicles transporting material to the project area. The air is contaminated with cyanide, mercury and dust clouds from the Buriticá mine operation. The project also generates noise pollution. There is a serious risk of collapse of a large deposit of sterile material that the company has built at the head of the village. The risk is that in the rainy season it could collapse and cause serious damage to the community. There is no independent monitoring that certifies that the controls and measurements that the company carries out on air and noise are within normal parameters.

Infringement of labour rights. On 27 March 2021, a worker of the company Zijin Continental Gold, who was cleaning a tank containing highly toxic elements, died in unclear conditions. The community fears for the lives of other workers at the mine and demands an independent and thorough investigation. The communities denounce labour discrimination in the project. They point out that senior positions are occupied by foreigners, while local people work with contractors. The company does not take into account the academic background of the local population in order to assign them according to their levels of competence.

Infringement of the right to housing. In March 2021, the Junta de Acción Comunal de la vereda Higabra, located in the area where the project is located, denounced that the recurrent use of explosives in the mines of the company Zijin Continental Gold affects the structure of the houses of this community, which puts the families of the sector at risk. Although the company states that the vibrations are within the permitted parameters, several houses in the Higabra area show cracks. The company states that they monitor the vibrations, however, the families of the community do not know how and in what way this monitoring is carried out. Likewise, some of the buildings that the company uses as contractors' camps do not have sanitary conditions and are a source of sewage and rubbish contamination that affects the health of the population.

Lack of response from the Chinese authorities and responsible entities: The community has sought to contact the president of the Chinese company Zijin Continental Gold, but so far no meeting has been arranged to address the concerns of the inhabitants of Higabra.

iii. Methodology

The information on this case was collected by the Movimiento Ríos Vivos with the support of Latinoamérica Sustentable (LAS). It was based on secondary information about the project:

<https://www.mineria-pa.com/noticias/colombia-inaugura-mina-de-oro-buritica-del-grupo-chino-zijin/>

<https://www.continentalgold.com/en/projects/buritica/overview/>

https://mesatransparenciaextractivas.org/Opini%C3%B3n/Blogs/Detalle_Blogs/ArtMID/479/ArticleID/224/191Impacto-directo

and in the testimony of rights organisations in the area where the project is located.

4. Mirador mining project, Ecuador

Summary case information

Location: Tundayme parish, El Pangui canton, province of Zamora Chinchipe, Ecuador. Located within the biological reserve of the Condor. One of the richest and most diverse hotspots on the planet.

Chinese company: Ecuacorriente S. A. (ECSA), subsidiary of CRCC-Tongguan, joint property of Tongling Nonferrous Metal Group Holdings Co. Ltd. and China Railway Construction Corporation.

Financiers: Bank of China. China Development Bank. Export-Import Bank of China. China Merchant Bank of China. China Construction Bank. Industrial and Commercial Bank of China.

Sector: Mining

Project Status: Operational since 2019.

Population or groups affected: Indigenous people, peasants, women, girls, children, elderly people, workers.

Natural environment impacted: Biological Reserve.

Main Human Rights violations: Right to consultation, Right to a healthy environment and water, Right to private property private property, Right to housing, Right to food, Labour rights labour rights, Right to liberty and personal personal security.

Organisation responsible for the case file: Alliance for Human Rights of Ecuador (Acción Ecological Action), the Indigenous Community of Social Action Cordillera del Cóndor (CASCOMI) and del Cóndor (CASCOMI) and Foundation Pachamama.

i. Description of the project

Mirador is the first large-scale open-pit mining project in the country, covering an area of 6,685 hectares, with a lifespan of 30 years and currently processing 60,000 tonnes of cargo per day⁸. It is located in one of the most biodiverse areas in Ecuador's southern Amazon, which is home to a number of indigenous peoples who have been stripped of their territorial rights and their right to prior consultation. The Comptroller General's Office has detected serious environmental problems, including inadequate management and discharge into rivers and streams.

The Comptroller General's Office has detected serious environmental problems, including inadequate management and discharge into the Wawaymi, Tundaymi and Kimi rivers of polluting waste during road construction and the lack of treatment of contaminated water in the mine and sewage and industrial water (lubricants). The company did not fully comply with environmental regulations. The communities of Tundayme parish directly affected directly affected by the project include populated centres and The Amazonian Community of Cordillera del Condor Mirador (CASCOMI) is an integrated intercultural indigenous intercultural indigenous organisation made up of The following population centres El Quimi(- Kimi), Manchinaza Alto, El Kiim, San Marcos(- Tumbants), Tundayme, Valle del Quimi(- Kimi) and the dispersed population of Namakunts, the micro-watersheds of the rivers Kimi(Kiim), Wawaymi and Tundaymi; Shuar Numpaim Community, Shuar Churuwia Community, the latter has the particularity that the mining company ECSA in order to mining activity, through a divisive process, induced the creation of Etsa (Shuar) within the same Churuwia territory in order to create an easement to support the mining activity. territory of Churuwia in order to make the Ushpa family the Ushpa family as a new community in order to weaken the territorial defence, dividing the Shuar. Ten population centres and the dispersed

⁸Design and Construction Assessment of Tailings Dams for the Mirador Mine, Zamora Chinchipe, Ecuador. Report prepared at the request of E-Tech International Submitted 19 February 2019. Revised 26 February 2019. P. 3 9 Walsh ob. cit., table 8.3-3.

population of the and dispersed population of the parish are also affected. El Guismi: Certero, Chuchumbleta, La Palmira, Pakints, San Andrés, Santa Cruz, Santiago Paati, and in the canton of El Pangui Remolino 1 and Remolino 29.

The project has not respected the right to consultation, has violated the right to housing, has encouraged the persecution, harassment and criminalisation of community leaders, and has violated the right to life in a healthy environment.

ii. Main rights violated

Violations of the right to prior consultation: There has been no prior consultation and consent with the communities affected by the Mirador mining project. The project has ignored the processes of self-determination and the right to territory, ignoring the processes of community articulation and intercultural survival between the Shuar, Kichwa and campesino nationalities. Only environmental consultation processes regulated by regulation 1040 have been implemented, with a number that is not demographically representative of the affected communities. It should be clarified that the socialisation processes led by the mining company in the territory by the mining company in the territory have served to divide the political and organisational process of the people, forcing certain families, through reprisals and demagogy, to reprisals and demagogy, to support the mining company. the mining company, thus violating the right to resist according to the right to resistance according to article 58 of the of the constitution.

Violations of the right to a healthy environment and water: In 2020, the Comptroller General's Office published its special examination of the project. The report states that between 2009 and 2016, Ecuacorriente's mining activities affected the Wawaymi, Tundaymi and Quimi(Kimi) rivers, exposing them to metals and minerals⁹. This contamination consequently affects the communities living near and/or on the banks of these rivers. In addition, the company has deforested 1,300 hectares for the opening of roads and the construction of rubble dumps. As a consequence, the soils of this area of high rainfall are more susceptible to being washed by water sources into the nearby rivers and finally into the communities, the turbid and contaminated water of these rivers cannot be used for drinking water for animals, agriculture, much less for human consumption¹⁰. The company Ecuacorriente is planning the construction of a tailings pond on the Tundaymi riverbed, which seriously endangers the quantity and quality of water in the rivers downstream to the lower Amazon. Consequently, the right to the quantity and quality of water and the equilibrium of the ecosystems according to art. 411 of the constitution is violated. These irreversible pollution facts violate the right to live in a healthy, ecologically balanced environment, free from pollution and in harmony with nature according to art. 66.27 of the constitution.

Violation of the right to housing: In order to take possession of the territory needed for the project, the Ecuacorriente company began to negotiate the acquisition of properties from some peasants in the area who were induced to hand over their land, other irregularities were evidenced, such as the imposition of differentiated prices per hectare, offers of work, study and relocation that were not fulfilled, local communities have also denounced alleged swindles, underpayments and the use of intermediaries (front men) who bought land to transfer to the company, and some people who sold their land have even claimed that when they sold it the company did not inform them that a large-scale mine would be built there¹¹. However, not all the villagers agreed and exercised their right to resist, so the company resorted to the concept of mining easements.

The company resorted to mining easements and then asked the Ecuadorian government to evict all the people living on the land the company needed to implement the project¹². In 2013, according to

⁹ <https://www.primicias.ec/noticias/economia/proyectos-mirador-fruta-norte-afectan-cuatro-rios-contraloria/>

¹⁰ <https://es.mongabay.com/2018/08/la-deforestacion-del-proyectominero-mirador-en-el-sur-de-la-amazonia-de-ecuador/>

¹¹ <https://investigacionpsicosocial.files.wordpress.com/2017/02/heridaabierta-del-cc3b3ndor.pdf>

¹² <https://investigacionpsicosocial.files.wordpress.com/2017/02/herida->

the testimonies of several affected families in Tundayme, the company illegally and forcibly entered privately owned land to carry out activities (such as topographical measurements, drilling and excavation), causing damage to fences and canals on the land, with the aim of subsequently starting mining activities and intimidating the families into selling their land¹³. The most critical situation took place in the community of San Marcos in the parish of Tundayme, in 2014 and 2015, the community has practically disappeared due to forced evictions¹⁴.

In 2013, according to testimonies from several affected families in Tundayme, the company illegally and forcibly entered privately owned land to carry out activities (such as topographical measurements, drilling and excavation), causing damage to fences and canals on the land, with the aim of subsequently starting its mining activities and intimidating the families into selling their land. The most critical situation took place in the community of San Marcos in the parish of Tundayme in 2014 and 2015, the community has practically disappeared due to forced evictions.

In addition, on 15 May 2014, workers from the Ecuacorriente company entered the community of San Marcos with heavy machinery and arbitrarily, illegally and illegitimately destroyed the church and the community school, basic services and community spaces, alleging that they are company land¹⁵. Then, at 4am on 30 September 2015, without prior notice, company workers along with 120 police and private security guards ordered the families to leave the houses within 5 minutes while in the meantime security guards backed by the police immediately went in to collect belongings, small animals and livestock. They ended up violently evicting 13 families who were living in a dispersed manner in the community of San Marcos. During this forced eviction there were several acts of violence against men and women and also against vulnerable people from the communities, several of whom reported being sexually harassed by the company's chief guard during the eviction¹⁶.

There was no relocation process following the forced evictions. The Amazonian Community of Social Action Cordillera del Cóndor Mirador (CASCOMI), as an indigenous organisation, filed a precautionary measure to prevent further evictions, but, once again, the judge denied the measure. On 16 December 2015, without prior notice, began the dispossession of 18 families located in the micro-basin of the Tundaymi river and the road to El Cóndor. These families lost their belongings, small animals and livestock, and their homes were destroyed with heavy machinery in the presence of vulnerable families. Another dispossession of the remaining Shuar population occurred on 4 February 2016. In total, more than 42 families, approximately 136 people, were evicted¹⁷. On 13 May 2016 in the evening hours, the company Ecuacorriente S.A. with its heavy machinery arbitrarily entered to crops (Aja Shuar), taking possession of part of the Tendetza family's land, in this way violating the the right of the to the ancestral territory of the Shuar family.

Violation of the right to food: It has become impossible for local communities to sustain the fishing, hunting, farming, small animal care and livestock activities that were their livelihood in the past, agricultural, small livestock and animal husbandry activities that constituted their livelihoods in harmony with nature and an important part of their food sovereignty. Moreover, given the lack of relocation policies, forced and/or overlapping evictions have meant the loss of habitable spaces and a great economic hardship for the local population, because it became a dispossession and/or uprooting or expulsion from the territory in which they were living or expulsion from the territory in which the indigenous and peasant peoples exercise their legitimate and legal rights according to their own cosmovision. Many of the families dispossessed of their territory have been obliged to pay

abierta-del-cc3b3ndor.pdf

¹³<https://investigacionpsicosocial.files.wordpress.com/2017/02/heridaabierta-del-cc3b3ndor.pdf>

¹⁴<http://cdes.org.ec/web/wp-content/uploads/2016/05/La-consultaprevia-libre-e-informada-en-el-Ecuador-mayo-2016-2.pdf>

¹⁵<https://investigacionpsicosocial.files.wordpress.com/2017/02/heridaabierta-del-cc3b3ndor.pdf>

¹⁶ <https://investigacionpsicosocial.files.wordpress.com/2017/02/heridaabierta-del-cc3b3ndor.pdf>

¹⁷<https://investigacionpsicosocial.files.wordpress.com/2017/02/heridaabierta-del-cc3b3ndor.pdf>

rent, work for a day's wages or ask their relatives for help. By violating the right to land, according to Art. 57. 4. of the constitution, the right to work and the right to culture, since in all cases the link to the land is a question of identity and spiritual connection to nature.

Infringement of the right to liberty and personal security: From the mining company Ecuacorriente S.A., the Shuar families and peasants are permanently harassed, persecuted and induced to sell their ancestral lands by the mining company. In 2014, the human rights and nature rights defender and Shuar anti-mining leader, José Tendetza, was murdered. Prior to his death, since 2013, José Tendetza had been the victim of harassment and criminalisation by the company. In the judicial process of this case, the Public Prosecutor's Office identified two company workers as suspected perpetrators of the murder of José Tendetza; however, the process was tainted by a series of irregularities that ultimately left this death in impunity¹⁸. On the other hand, in a press release published in 2019 by the Ecuadorian Ombudsman's Office denounced harassment carried out by the company Ecuacorriente against CASCOMI community members. The same press release also denounced that Mr. Wang Zinan, the company's Special Advisor for Government Relations, sent repeated e-mails to the Ecuadorian Ombudsman's Office in an attempt to interfere with its work. The relatives of José Isidro Tendetza Antún, on 6 July 2017, filed a complaint against the Ecuadorian State before the Inter-American Commission on Human Rights. On 24 April 2020, the IACHR transferred the complaint to the State. On 11 January 2021, the IACHR insisted that the State respond to the complaint.

Another case of harassment involves Mariano Mashendo and his family, of the Shuar nationality, who live on the banks of the Tundaymi river and the road to Cóndor Mirador, one kilometre from the Tundayme Military Detachment upstream of this river. Because of his open opposition, Mashendo has received threats and constant harassment by Ecuacorriente S.A. employees, security guards and military personnel, which put his safety and physical integrity at risk. On 25 November 2020, Mariano Mashendo was visited by armed personnel from the mining company, and in the following days, a colonel from the Tundayme military detachment reportedly asked Mashendo to leave his home, as the company needs to build the infrastructure for the tailings dam on the Tundayme riverbed. On 27 November 2020, a person came to his home at 10 p.m. at night to ask him to leave his home. Mariano, in order to protect his life, fled from his home. The facts clearly show the harassment and intimidation against him, with the clear intention of dispossessing him of his home, without respecting his rights to his ancestral position, nor having a judicial order as befits a State of Rights and Social Justice. However, tired of so much harassment and insecurity, Mariano denounced the company for intimidation and threats to his life, at the Criminal Prosecutor's Office in Pangui (Pangui) (Fiscal File No. 190601820120015).

Labour rights violations: Local workers have been victims of mistreatment, illegal dismissals and mining accidents. In May 2014, 150 workers peacefully took over the project's camps due to disagreements with the company over wage issues, on which occasion the Ministry of Labour had to intervene to solve the problem¹⁹. Subsequently, in 2016, the heavy machinery transporters working on the project went on strike for four days, alleging that they had not been paid for six months. In addition, several accidents at work were reported, which claimed the lives of some workers, the last incident occurred in September 2019, which led to the temporary suspension of the project due to problems with the safety and occupational health²⁰.

iii. Methodology

¹⁸ <https://investigacionpsicosocial.files.wordpress.com/2017/02/herida-abierta-del-cc3b3ndor.pdf>

¹⁹ <https://www.elcomercio.com/actualidad/negocios/trabajadores-de-ecuacorriente-se-reunen.html>

²⁰ <https://inredh.org/trabajadores-de-ecsa-denuncian-despedidos-dettransportistas-en-tundayme/#:~:text=Tras%20paralizar%20las%20actividades%20por,El%20Pangui%2C%20provincia%20Zamora%20Chinchipe.>

The information on this case was collected by Pachamama Foundation, reviewed by Accion Ecológica, LAS and the Comunidad Indígena de Acción Social Cordillera del Cóndor - CASCOMI. The latter is the organisation of communities affected by the Mirador mining project. It was

based on a review of documents, official and independent studies such as the Evaluation of the Design and Construction of the Tailings Dams for the the Mirador Mine, Zamora Chinchipe, Ecuador. Report prepared at the request of E-Tech International Submitted on 19 February 2019. Revised 26 February 2019, <https://investigacionpsicosocial.files.wordpress.com/2017/02/herida-abierta-del-cc3b3ndor.pdf> and in the testimony of organisations defending the project area.

5. Mining project Rio Blanco, Ecuador

Summary case information

Location: Commune of San Felipe, parishes of Molleturo and Chaucha, city of Cuenca, province of Azuay, Ecuador

Chinese company: Ecuagoldmining South America S. A., owned by the Chinese companies Junefield Mineral Holding Resources Ltd. and Hunan Gold Group.

Sector: Mining (gold and silver)

Project Status: Suspended since 2018.

Population or groups affected: Indigenous people, peasants, women.

Natural environment impacted: Buffer zone of a national park that is a Ramsar site, a biosphere reserve declared by Unesco, protective forest.

Main Human Rights violations: Right to consultation, Right to a healthy environment, Right to work and freedom of association, Right to housing, Right to life, Right to housing, Right to life, Right to protest.

Organisation responsible for the case file: Alianza por los Derechos Humanos Ecuador (Fundación Alejandro Labaka)

i. Description of the project

The Rio Blanco mining project is one of the five strategic large-scale mining projects in Ecuador. The project was originally run by the Canadian company International Mineral Corporation (IMC), which in 2012 sold its concession rights to the project to Chinese companies. In 2018, thanks to legal action taken by the inhabitants of Molleturo, two court decisions at the national level recognised that the people of Molleturo had not been properly consulted and the project was suspended. In 2020, Ecuagoldmining established a dispute against the Ecuadorian government over the suspension of the project, which could lead to an arbitration award of 480 million. The project consists of 3 concessions in an area of 6,000 hectares within the Molleturo-Mollepungo Protected Forest and it is estimated that about 60% of the forest is secondary and 30% is in a pristine state, with pristine, in the vicinity of a Ramsar site, a few kilometres from the Paredones archaeological site and near the buffer zone of the Cajas National Park, which contains 786 lagoons, which are a source of water for local agriculture and human consumption. The project affects flora and fauna species and the Rio Blanco community of 80 families who live in the area. Another community affected by the conflict surrounding the project is San Pedro de Yumate.

ii. Main rights violated

Violation of the right to consultation: Without due consultation with the communities affected by the project, the Ecuadorian government granted environmental licenses for the exploitation phase in 2015 and in 2017 the licenses for the beneficiation phase were granted without prior consultation. As a result, on 17 May 2018, after years of protests and social resistance to the project, the community of Molleturo filed a protective action for violation of their right to free, prior and informed consultation, which demanded the suspension of mining activities in Rio Blanco. On 1 June, the local court ruled in favour of the community. The Ministry of Mining appealed this decision, but in August the provincial court upheld the previous ruling.

Violation of the right to a healthy environment: The potential negative environmental impact of the project is significant and, in particular, should require additional mitigation and adequate financial security. A specialist report notes that acid drainage and leaching of metals, including arsenic, are likely to be problematic and that the proposed mitigation measures are inadequate to prevent environmental impacts and their associated costs are higher than anticipated. A local organisation claims that there are already some environmental impacts on the springs due to the opening of roads or construction of infrastructure at the mining camp. In July 2019, a special examination by the Comptroller General's Office indicated that the Ministry of Environment and the Mining Regulation and Control Agency issued a favourable report to the mine without considering that it did not have authorisations for the use of water in the required flows. In addition, the Río Blanco community members have denounced the drying up of the Targuapamba and Cruz Loma lagoons, these bodies of water were located near the mining camp, and canals built by the mining company to prevent water from accumulating in these areas were found on the site.

Violation of the right to housing: IMC and Ecuagoldmining companies in Rio Blanco have used the sale and purchase of property and possession rights as a legal mechanism for land dispossession. According to FIAN Ecuador's 2018 report, people in the communities were pressured to sell their property or possession rights and were forced to migrate to the city of Cuenca and other suburban areas. To this end, mining company officials instigated community members to sell their property or possession rights to the mining companies.

Violation of the right to personal security: In May 2018 there were serious social incidents provoked by the presence of the Chinese company in Rio Blanco and the strong opposition of the local communities, which resulted in the militarisation of the area and strong state repression, subsequently judicial proceedings were opened against 28 members of the local communities who participated in the protest and who were criminally charged by the State for sabotage. The proceedings are still ongoing. In addition, community members in Molleturo and local defenders are constantly subjected to harassment and threats from pro-mining groups, in fact in 2019 at least four defenders reported being victims of harassment and death threats from pro-mining groups. In 2020, at least five defenders again reported harassment, intimidation and threats from pro-mining groups.

Violation of labour rights and the right to freedom of association: Ecuagoldmining has not allowed a workers' union to be formed.

Violation of the right to life: On 17 March 2021, Andrés Durazno, environmental activist and human rights and nature defender, was murdered, leaving 8 children behind. In 2018, Andrés and other residents of the communities affected by the project denounced the company, Ecuagoldmining, for persecution and harassment. This process was archived. Meanwhile, a complaint by mining company officials against Andrés Durazno remains open in the Attorney General's Office since 2017.

iii. Methodology

The information in this case was collected by the Alejandro Labaka Foundation and LAS. It was based on secondary information from the written press and testimonies from local organisations.

6. Mining project San Carlos-Panantza, Ecuador

Summary case information

Location: Parishes of San Miguel de Conchay and Santiago de Panantza, cantons of San Juan Bosco and Limón Indanza, province of Morona Santiago, Ecuador.

Chinese company: ExplorCobres S.A. (EXSA), propiedad de las empresas chinas CRCC Tongguan Investment Co. Ltd., Tongling Nonferrous Metals Group Holdings Co. Ltd. y de China Railway Construction Corporation (CRCC).

Financiers: Bank of China. China Development Bank. Export-Import Bank of China. China Merchant Bank of China. China Construction Bank. Industrial and Commercial Bank of China.

Sector: Mining (copper and molybdenum).

Project Status: Advanced exploration phase, suspended since 2018 for reasons of force majeure.

Population or groups affected: Indigenous people, women, children, adolescents and the elderly.

Natural environment impacted: El Condor Biological Reserve, Amazonia.

Main Human Rights violations: Right to consultation, Right to housing, Right to education, Right to health.

Organisation responsible for the case file: Alliance for Human Rights Ecuador (Amazon Watch).

i. Description of the project

The San Carlos-Panantza copper mining project is one of the five strategic large-scale mining projects in Ecuador. It comprises an open-pit mine of 38,548 hectares in the southern Amazon of Ecuador with a life span of 25 years. It is estimated that 70% of the territory of the Shuar Arutam People (PSHA) is under concession for this project, which will affect 47 community centres, around 1,200 families. Also, at least 2 hydrographic sub-basins that cross the territory of the PSHA: the Zamora River and the Coangos River, tributaries of the Santiago River, would be at risk of contamination due to this mining project. The affected communities were not consulted. In 2016, indigenous families were forcibly evicted from their homes in Nankints, causing a serious humanitarian crisis.

ii. Main rights violated

Violation of the right to consultation: In 2015, representatives of the Shuar Arutam and Bomboiza centre associations of the Southern Peoples' Assembly, with the support of CEDHU and Acción Ecológica, filed a protection action for the lack of consultation with the indigenous communities located in the vicinity of the San Carlos Panantza mining project. They also denounced that the company's environmental licence was granted on the basis of an Environmental Impact Study presented in 2005. This action for protection was rejected²¹.

Violation of the right to territory: Infringement of the right to collective ownership of the ancestral indigenous territory of the Shuar Arutam people, is generated by the lack of recognition of the terms of Article 14 of ILO Convention 169. Given that the implementation of a mining project which, although it is still at an advanced stage of exploration, has the vocation to transform the territory and has deepened social conflicts. In this sense, the emergency in terms of possession and ownership of the lands that make up the ancestral territory of the Shuar Arutam People, facilitated the execution of evictions and forced displacements, as well as the invasion of their territory by third parties who obtained individual adjudications from state bodies to later sell to the company. It should be noted that these evictions and displacements took place through mechanisms of intimidation of the communities by agents of the security forces, looting, the destruction of homes,

²¹https://inredh.org/archivos/pdf/informe_cordillera_condor.pdf

the violation of the rights of children and the elderly, the abuse of the state of emergency in the province, and militarisation²².

Violation of the right to housing: The Chinese company Explorcobres brought a land claim on 2 hectares where its camp was located, and after obtaining favourable court decisions, 35 families from Nankints, Tsuntsuimi, San Pedro and Kutukus were forcibly and violently evicted between August and December 2016, but this eviction did not only take place on the 2 hectares in dispute, but on an even larger area of 92.70 hectares, which the company claimed to have acquired in the year 2000²³. Among the displaced people were 95 children and adolescents. The area was militarised for four months to prevent the families from reoccupying their territories. So far the 35 families have not been able to return to their territories.

Violation of the right to education: Girls, boys and adolescents²⁴ of the Shuar Arutam People who were forced to leave their homes in 2016 were also stripped of their right to education. The forced and violent eviction interrupted the school year for the children of the community. In addition, the school was ransacked and part of the infrastructure was destroyed, as a result of which several children in the community lost their school year²⁵.

Violation of the right to health: As a result of the forced eviction, several children suffered health problems, malnutrition due to the loss of their families' source of livelihood and also due to the overcrowding that occurred after the evictions. Also the lack of access to drinking water and the poor hygienic conditions of the overcrowding resulted in cases of diarrhoea and flu. A few months after the eviction, a girl died of bronchopneumonia, a displaced woman six months pregnant miscarried after resettlement, and a young man from the community was burned by explosives left in the community by the military. In addition, given the violent nature of the evictions, many members of the community²⁶ suffered psychological effects and presented symptoms of depression, insomnia and loss of appetite, night terror, irritability and recurrent memories of the events²⁷.

iii. Methodology

The information in this case was collected by LAS and Amazon Watch. It was based on reports from human rights organisations that have accompanied the case:

https://inredh.org/archivos/pdf/informe_cordillera_condor.pdf

<https://geografiacriticaecuador.org/wp-content/uploads/2020/08/Informe-Tsuntsuim-final.pdf>

and print media reports <https://sobrevivientes.planv.com.ec/san-carlos-panantza-y-la-desesperanza-de-tsuntsuim-y-nankints/>

²²Laura Rojas Escobar, AMICUS CURIAE in Case No. 58-17-AN, action for non-compliance with the Panantza San Carlos and Mirador project.

²³https://inredh.org/archivos/pdf/informe_cordillera_condor.pdf

²⁴ <https://sobrevivientes.planv.com.ec/san-carlos-panantza-y-la-desesperanza-de-tsuntsuim-y-nankints/>

²⁵<https://geografiacriticaecuador.org/wp-content/uploads/2020/08/Informe-Tsuntsuim-final.pdf>

²⁶<https://geografiacriticaecuador.org/wp-content/uploads/2020/08/Informe-Tsuntsuim-final.pdf>

²⁷<https://geografiacriticaecuador.org/wp-content/uploads/2020/08/Informe-Tsuntsuim-final.pdf>

7. Mining project Las Bambas, Peru

Summary case information

Location: Provinces of Cotabambas and Grau. Apurimac Region, Peru.

Responsible company: Minerals and Metals Group MMG Limited, Guoxin International Investment Co. Ltd. and CITIC Metal Co. Ltd.

Financiers: China Development Bank. Industrial and Commercial Bank of China. Bank of China. Export-Import Bank of China.

Project type: Extractive (Mining)

Project Status: In operation since January 2016.

Estimated investment: USD 10 billion planned investment.

Affected population or groups: Rural communities in the area of direct influence of the Las Bambas mine. Peasant communities and towns through which the mining transport road passes. The families of the 4 peasants killed in protests by the PNP under an agreement between Minera Las Bambas and the PNP.

Main violations of HRs: Right to life and health; right to a healthy environment; right to Free, Prior and Informed Consultation; right to protest and free expression, peaceful assembly and association.

Impacted natural environment: High Andean grasslands of Peru with headwaters of watersheds.

i. Description of the project

Las Bambas is one of the most important copper mines in Latin America and is located in the high Andean areas of southern Peru. The project has caused environmental and human health problems, due to noise and dust pollution caused by the traffic of 370 heavy trucks transporting minerals daily through 169 population centres from the mine to the port. Indigenous and farming communities affected by the project have suffered from the excessive use of force by the Peruvian national police that has resulted in deaths, injuries and arbitrary arrests of several community members. More than 300 leaders from the province of Cotabambas were investigated by the Public Prosecutor's Office and 30 of them were put on trial.

ii. Main rights violated

Violation of the right to a healthy environment: Substantial changes were made to the Environmental Impact Assessment at almost every stage of the project, without consulting the population, and without foreseeing and providing for adequate remediation measures for the impacts that would occur. The environmental impacts of the project are considerable and affect thousands of people on the route from the mine to the port. The dust raised by the trucks transporting the ore contaminates water, pastures, crops and affects people's health; they also produce noise and vibration which has affected local flora and fauna and has cracked homes. The road passes through the doors of houses, schools and medical posts. The company has been sanctioned by the supervisory body due to incidents that have put the environment and the health of the communities at risk.

Violation of the right to life, right to protest, right to peaceful assembly and association: Peaceful protests by affected communities have been met with excessive use of force by the national police. For example, in 2015, a community mobilisation was repressed, resulting in the killing of 3 young

peasants²⁸ by the Peruvian National Police (PNP) in the context of a Private Security Contract signed by the mining company MMG with the PNP. In 2016, in the context of other community protests, the national police murdered Quintino Cereceda, a peasant farmer affected by the mine. To date, 300 leaders from the province of Cotabambas are under investigation by the Public Prosecutor's Office. From the 2015 demonstrations, 30 people were prosecuted in two criminal trials. The company Minera Las Bambas S.A. (MMG) became a civil party in the trials, demanding civil reparations and prison sentences for the accused. The sentence requested was up to 17 years in prison, and civil reparations of 20,000 and 88,000 dollars in favour of the State and the mining company. However, due to years of delays and persecution, they were finally acquitted in one of the trials and in the first instance, in March 2020; the second trial is still pending. In October 2016 another person was killed in the midst of the protests.

Lack of response from the Chinese authorities and responsible entities: Civil society organisations in Peru have tried to engage in dialogue with Chinese entities to communicate the human rights violations in this project. In 2015, a communication was sent to the CEO of MMG in Australia, to make him aware of the concerns of civil society organisations due to the deaths and the violation of social and environmental rights. In 2018, a letter and the Alternative Report of the Universal Periodic Review of the PRC was submitted to the Embassy of that country, without having received any response. The same happened with the letter sent on 25 May 2020 to the Chinese authorities on the behaviour of companies in the pandemic, which was received by security personnel at the embassy in Peru and from which we have still not received a response. During 2020, it has not been possible to resume dialogue with the MMG company and state institutions, so that the Dialogue and Compliance Roundtable established in 2019 can move forward.

iii. Methodology

The information in this case was collected by CooperAcción. It was based on reports from Peruvian civil society organisations: <http://cooperaccion.org.pe/wp-content/uploads/2015/10/Las%20Bambas%20-%20informe%20ocm.pdf> <http://cooperaccion.org.pe/las-bambas-cronicade-un-conflicto-anunciado-que-parece-no-tenerfin/on> secondary information and testimonies from local organisations.

8. Marcona Mine, Peru

Summary case information

Location: District of Marcona, Province of Nazca, Department of Ica, Peru.

Responsible company: Shougang Hierro Perú S.A.A., a subsidiary of Shougang Corporation.

Financiers: Industrial and Commercial Bank of China. DBS Hong Kong Bank.

Type of project: Mining.

Project Status: In operation.

Estimated investment: More than USD 1.5 billion.

Population or groups affected: Mine workers, population of the town of Marcona.

²⁸Beto Chahuallu Huillca (24), Alberto Cárdenas Chalco (23) and Exaltación Huamaní (30).

Main Violations of HRs: Labour rights, right to decent work, right to citizen participation, right to access to basic water services, right to a healthy environment.

Impacted natural environment: Marine-coastal zone of the district of Marcona.

Part of the Silk Road: Yes

Organisation responsible for the case file: CooperAcción

i. Description of the project

It is the only iron ore producer in Peru and has been sending all its production to China for 30 years. It is one of the most conflictive mining projects in the country, and has accumulated lawsuits for labour rights violations. The mine occupies about 40% of the area of the municipality of Marcona, which causes overcrowding and a lack of access to services for the population in the urban area.

Those directly affected are the mine workers, particularly the members of the Shougang Hierro Perú SAA and Annexes Mine Workers' Union and the Shougang Hierro Perú SAA Employees' Union, as well as the population of Marcona due to environmental contamination.

ii. Main rights violated

Violation of labour rights: The company Shougang does not provide decent working conditions with health and safety for workers. Workers denounce that they receive low and discriminatory wages. Due to deficient safety measures, workers are exposed to occupational diseases, work accidents and death. The company uses subcontracting to circumvent the labour rights of a large number of workers. In addition, it obstructs the exercise of freedom of association by punishing those who participate in strikes for non-compliance with demands. On several occasions, the Union of Mineworkers of Shougang Hierro Perú SAA and Annexes, and the Union of Employees of Shougang Hierro Perú SAA, have denounced the violations committed by Shougang to Peruvian state entities. SUNAFIL, the Peruvian State entity in charge of labour inspection, has carried out multiple investigations indicating that the company Shougang has carried out actions contrary to the respect of Peruvian laws, including: breach of collective agreements, denaturalisation of labour contracts, interference and anti-union practices, replacement of workers exercising the right to strike, non-payment of remuneration, among others. However, the company continues to insist on coercing the union by dismissing unionised workers, reducing the labour rights of workers who decide to get involved in union activities. This situation was reported to the ILO's own Committee on Freedom of Association in a complaint procedure²⁹.

Violation of the right to health in the context of the Covid-19 pandemic: In the context of the pandemic, the company violated the workers' right to health by forcing them to stay in the mine for 30 to 60 days. The employees are forced to stay inside the mine after their shift in tents without sufficient ventilation and in overcrowded conditions³⁰. There have been 24 deaths of infected workers inside the mine. The company failed to test them for the disease and did not provide them with timely medical care. The company forced several employees sick with Covid-19 to sign statements that they had no symptoms of the disease before leaving the premises to seek outside medical care. On 19 March 2021, the mine's workers' union sent a letter to the Minister of Labour, requesting intervention in response to the violations of rights caused by the company's pandemic measures. This case reached the Congress of the Republic, who on 12 March 2021 set up a Working Group: "Shougang Hierro Perú Company - facing Covid-19", to gather information on the compliance of the company Shougang Hierro Perú S. A. A. A. with the surveillance, prevention and control of Covid-19 at work. A.A. In addition, faced with the refusal of collective bargaining, on 16 March 2021

²⁹ ILO. Case No. 3056 (Peru) - Date complaint filed: 20NOV-13 - Closed. Available from: http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:50002:0::NO::P50002_COMPLAINT_TEXT_ID:3237736

³⁰The unions have denounced the company for not complying with the biosafety protocol on more than 67 occasions to the Peruvian labour regulator (SUNAFIL), which has fined the mine twice for irregularities committed.

the workers who form part of the Workers' Union began an indefinite strike to demand a solution to the list of claims, and to demand humane treatment for the widows of the deceased workers. The strike was declared valid by the labour authority, and on 29 March 2021 an arbitration award was issued resolving the collective bargaining. However, the following day, on 30 March 2021, the company filed a request for clarification of the award with the same authority.

Violation of the right to a healthy environment: Due to the lack of maintenance and safety, the project has polluted the sea and the area through which the ore conveyor belt passes. Additionally, since the beginning of the company's activities, multiple social conflicts have been generated related to the basic services of the population of Marcona, problems of environmental contamination in the sea and in other installations of the mining complex, and affectations to the health of the population. In addition, Shougang restricts the normal supply of drinking water to the population to one hour per week.

iii. Methodology

The information in this case was collected by CooperAcción. It was based on complaints from the workers' union to the ILO

http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:50002:0::NO::P50002_COMPLAINT_TEXT_ID:3237736

secondary information and testimonies from local organisations.

9. Rio Blanco mining project, Peru

Summary case information

Location: Huancabamba and Ayabaca, Piura province, Peru.

Responsible company: Zijin Mining Group Co. Ltd, Tongling Non-Ferrous Metals Group Holdings Co. Ltd., Xiamen C&D Inc.

Financiers: Agricultural Bank of China, Bank of China, China Construction Bank, Industrial and Commercial Bank of China (ICBC).

Project type: Mining.

Project Status: Environmental Impact Assessment Update. Rehabilitation Plan update in March 2020.

Estimated investment: USD 2.5 billion.

Population or groups affected: Peasant communities of Segunda and Cajas and peasant community of Yanta in the Piura region, native communities of San Ignacio in the Cajamarca region. Bread to go farmers, organic, gourmet and traditional milk and coffee producers.

Main violations of HRs: Right to free, prior and informed consultation, right to a healthy environment, right to citizen participation in decision-making, criminalisation of social protest, prosecution of environmental defenders.

Impacted natural environment: High Andean moorlands and cloud forests.

Part of the Silk Road: Yes

Organisation responsible for the case file: CooperAcción

i. Description of the project

According to public statements last September 2020, the Ambassador of the People's Republic of China in Peru, Liang Yu, said that the Rio Blanco mining project is among the priority projects that the PRC seeks to carry out in Peru. Rio Blanco is an open-pit copper and molybdenum mining project that is expected to produce 200,000 metric tons (MT) of copper metal and 3,000 MT of molybdenum in concentrate over 20 years. In 2007³¹, a Neighbourhood Public Consultation was held in the districts of El Carmen de la Frontera (Huancabamba), Ayabaca and Pacaipampa (Ayabaca) in the Piura Region, in which 90% of the inhabitants of the Huancabamba and Ayabaca areas expressed their opposition to mining activities in their territories, due to the possible impacts on agriculture, water supply and the moorland and cloud forest ecosystem. In October 2007, OSINERMIN found a number of violations of environmental regulations, such as forest clearance, tunnel construction and other procedures, without authorisation from the competent authority, and issued a Ministerial Resolution to present a Rehabilitation Plan with corrective measures, which was only approved in March 2020 and made known to the municipal authorities in October 2020.

The communities directly affected by the Rio Blanco project are: the peasant communities of Yanta (Ayabaca), and Segunda and Cajas (Huancabamba) in Piura; and the communities and towns of the province of San Ignacio (Cajamarca), as the main river of this locality, the Rio Chinchipe, has its headwaters in the moorlands and cloud forests of this area. They are organised in the Front for the Sustainable Development of the Northern Border of Peru (FDSFNP), which brings together the communities, municipalities and social organisations of the provinces affected by the mining project and aims to achieve a solution to the conflict through dialogue, which would imply the definitive cancellation of the mining concessions and projects on the northern border of the country.

ii. Main rights violated

Violation of the right to life and liberty: The mining project has generated conflicts with the affected communities. The National Police have used excessive force in these conflicts, causing serious injuries to dozens of people and even the death of four community members in 2004, 2005 and 2009. In 2005, 33 community members were kidnapped and tortured. In 2009, 3 Río Blanco workers died in the company's camp under circumstances that have not been clarified. In 2015, 3 more Río Blanco Copper workers died in apparent exploration work. The company threatens leaders and promotes the weakening of grassroots organisations through clientelism and the creation of parallel organisations to create internal conflicts. Through these parallel organisations, it accuses the affected organisations of committing crimes of terrorism, murder, damage to public and private property, among others. For example, in 2008, one of these organisations accused mayors, social leaders, community members and technical and legal advisors of terrorism without any basis.

Right to free, informed and prior consultation: The communities of Carmen de la Frontera - Huancabamba and Pacaipampa and Ayabaca reject the project. In 2011, the company set up its camp and withdrew from the area where it carried out exploration activities due to the lack of a social licence. However, the project is not cancelled and in September 2020 the Republic of China, through public statements by Ambassador Liang Yu, asked the Peruvian government to support the project, which in the same year approved the second modification of the updated rehabilitation plan for the Rio Blanco mining exploration project.

Right to a healthy environment: The Rio Blanco mining project will affect the cloud forests and the high Andean páramo, which serves to capture, filter and distribute the water on which the desert coast of Piura and the rivers flowing into the Amazon depend. The possible impacts of the mining

³¹From 13 to 16 October 2007, OSINERMIN, the Supervisory Body for Investment in Energy and Mines, carried out a special supervision of the Río Blanco Copper SA company's facilities, and as a result issued Resolution No. 444-2008-1-OS/GFM dated 7 February 2008. This report subsequently provided the basis for the company's obligation to present a Rehabilitation Plan for the Río Blanco Exploration Project as corrective measures.

project on the environment, in particular on water, and agricultural development are the main concerns of the populations of the Piura region and the provinces of Jaén and San Ignacio in the Cajamarca region. In addition, the Tabaconas Namballe National Sanctuary will also be affected, as well as the populations of the eastern slope where the towns of San Ignacio are located. According to the Supervisory Body for Energy and Mining Investment (OSINERGMIN), during the exploration stage at Río Blanco, there have been failures in mining safety and hygiene, environmental protection and lack of remediation of environmental damage.

Lack of response from the Chinese authorities and responsible entities: The affected communities, in coordination with national and international organisations, sent a letter on 29 April 2020 to the banking institutions that financed the activities of the parent company of the Chinese Zijin Consortium, informing them of the socio-environmental problems generated by the Río Blanco mining project. They did not receive a reply.

iii. Methodology

The information in this case was collected by CooperAcción. It was based on secondary information and testimonies from local organisations.

10. Toromocho Mine, Peru

Summary case information

Location: District of Morococha, Province of Yauli, Department of Junín, Peru.

Responsible company: Minera Chinalco Peru S.A. (Aluminium Corporation of China).

Financiers: China Development Bank, Export-Import Bank of China.

Type of project: Mining (copper and molybdenum).

Project Status: In operation since December 2013.

Estimated investment: USD 6 billion.

Affected population or groups: The inhabitants resettled in Nueva Morococha and the families remaining in Antigua Morococha. Campesino community of Pucará.

Impacted natural environment: Central highlands.

Part of the Silk Road: Yes

Organisation responsible for the case file: CooperAcción

i. Description of the project

It is one of the largest mining investments in the history of Peru, worth approximately USD 6 billion. The project has involved a resettlement process that has been characterised by human rights violations.

The resettlement began in 2012 and has not yet been completed. Approximately 1,200 families were relocated at that time. Some 70 families remained in Antigua Morococha, 25 of which are still there today. They are families of peasant origin, coming from the surrounding communities, in particular from the community of Pucará. One of the agreements between the population and the company to gain access to the resettlement was the hiring of local workers; however, this agreement has been

breached by the company, which has put up a series of bureaucratic obstacles to prevent such hiring, such as age, health certificates, etc.

ii. Main rights violated

Violations of the right to land and territory: The Toromocho project was located in the urban area of the town of Morococha. The 5,000 people who lived there were relocated in 2012 outside the mining project area, 10 kilometres away from their homes in a town called Nueva Morococha. Twenty-five families remain in Morococha Antigua, who refuse to resettle in Nueva Morococha due to environmental and socio-economic problems at the new location. The project is causing conflicts and clashes between the PNP and the inhabitants. The inhabitants of Morococha Antigua have filed legal actions. For example, in July 2018, they asked the Yauli - La Oroya court to annul the transfer of the Morococha Antigua land to the company for the expansion of Toromocho. They also filed an amparo action that was admitted in January 2019. It should be noted that the resettlement process was carried out without the inhabitants having previously signed an agreement with the company Chinalco Perú S.A., which has been extremely disadvantageous for the inhabitants. Although the Peruvian government has set up talks to seek a solution to the conflict, these have not been very effective. Moreover, with the state of emergency caused by the Covid-19 pandemic, the meetings held since the second half of 2020 have been merely procedural. Resettled people have lost their livelihoods and jobs. In 2019, the unemployment rate is almost 50%, mainly due to the fact that the geographical location of the new population centre is far from other communities, which makes it difficult to travel to work in other nearby places, nor does it allow for economic exchanges with them. The Chinalco company has failed to comply with agreements with the community regarding the creation of jobs for resettled families.

Violation of the right to decent housing: The resettlement ignored the cultural particularities of the people of Morococha. In Nueva Morococha, there are conflicts between tenants and landlords. The company has been reluctant to meet the demands of the resettled population for employment and minimum conditions of habitability in the new town. The people who remain in Morococha cannot move freely in the town centre because the company has blocked their access roads with clearings. In 2019, they were deprived of electricity supply. In addition, the people are constantly harassed by the company's private security guards and by the Peruvian National Police (PNP), which has an agreement with Chinalco to provide security services.

Violation of the right to a healthy environment: The new city is a highly seismic zone, with the presence of heavy metals above the maximum permissible limits, with the risk of a possible rupture of the artesian dam containing the water from the Huascacocha tailings dam, and with the presence of humidity in the subsoil due to the high concentration of the water table. These problems would cause the possible liquefaction of soils in the event of a seismic event, as stated in Report N° 055-2011- VIVIENDA, entitled "Study for the Estimation of Disaster Risks for the Carhuacoto Area (Nueva Morococha). The National Water Authority (Resol. N° 092-2020-ANA), declared a state of emergency for the water resources in the district of Morococha - Junín, mainly the Huacracocha, Churuca 1 and Churuca 2 lagoons, due to the imminent danger of overflow risk that would seriously endanger the inhabitants of Morococha Nueva, La Oroya and the Mantaro river basin. The project has presented several environmental problems. In 2014, the Environmental Oversight Agency found that effluents were being discharged from the waste dump and its sub-drainage system into two lagoons located in the district of Morococha. Therefore, the suspension of activities was ordered as a preventive measure due to the high degree of risk of serious damage to the environment or to people's health. In 2017, a power disturbance generated an overflow of ore slurry from the Concentrator Plant that affected approximately 200 metres of the Rumichaca River and 300 m² of soil. In March 2021, the National Environmental Certification Service for Sustainable Investments (Senace) disapproved the "Modification of the Detailed Environmental Impact Study for the Toromocho Mining Unit Expansion Project to 170 000 TPD", submitted by Minera Chinalco Peru S.A. because it did not comply with the regulatory technical requirements regarding water resources. The expansion of the Toromocho

mining project (tailings deposits, the open pit and the ore deposit) are located very close to the Huacracocha, Churuca 1 and Churuca 2 which were declared in emergency by the National Water Authority). Chinalco also has 6 underground wells in use, of which 4 wells are used for the operation of its activities (expansion), taking into account that for the production of 170,000 tpd they need 817 litres/second. In other words, they need 331 litres/second more than stipulated in the 2010 EIA, without authorisation.

Violation of labour rights: The company's workers filed several complaints between July and August 2020, pointing out the lack of transparency about Covid-19 cases within the operations and the lack of preventive measures to avoid contagion, as well as complaints about the precariousness of working conditions. They also denounced that work shifts had been extended in terms of the number of days workers must remain in the operations.

iii. Methodology

La información en este caso fue recogida por CooperAcción. Se basó en información secundaria y en testimonios de organizaciones locales.

11. Mineral reserves, Venezuela

Summary case information

Location: National scale, in particular in the Venezuelan Amazon.

Chinese company: China International Trust and Investment Corporation (CITIC).

Funders: China Development Bank.

Sector: Mining.

Project Status: Unknown.

Affected population or groups: Mainly indigenous peoples.

Main violations of HRs: Right to consultation, Right to information.

Natural environment impacted: On a national scale, mainly in the Guiana Shield. In the Venezuelan Amazon there are 12 protected natural areas, including important national parks, natural monuments, biosphere reserves and a wildlife refuge.

Organisation responsible for the case file: Observatorio de Ecología Política de Venezuela

i. Description of the project

With resources from the Venezuelan-Chinese Joint Financing Fund, an agreement was established in 2012 for CITIC Group and the National Institute of Geology and Mining (Ingeomin) under the People's Ministry of Petroleum and Mining to jointly develop the prospecting, exploration and geological certification of the country's mineral reserves and to draw up a map of Venezuela's mineral reserves. To this end, the installation of 27 geological camps located in twelve (12) states of the country was proposed³². Venezuela's 2012 National Development Plan established the need for a mining map of the entire country, which was to be financed with CBD resources. The idea was to open up and expand mining ventures throughout the country, something that was also made explicit in the

³²<https://drive.google.com/file/d/10yvgPaAXAyp048bJKV46dudAc0DhL2Gk/view?usp=sharing>

agreement document between Citic and the Venezuelan government. The clearest result of this policy was the establishment in 2016 of the National Strategic Development Zone "Arco Minero del Orinoco"³³, a project that promoted the expansion of formal mining through preliminary agreements and conventions with international companies, but which also ended up extraordinarily stimulating informal mining in the state of Bolívar, and to a lesser extent in the state of Amazonas. This expansion is associated with criminality and systematic violations of the human rights of indigenous peoples, especially women, children and the elderly, something that has been pointed out in the July 2020³⁴ report of the UN High Commissioner for Human Rights. A report has documented at least 16 massacres between January 2016 and October 2018 related to mining activity in the state of Bolívar in which more than 155 people were allegedly killed.

The indigenous organisations that make up the Coordinating Body of Indigenous Organisations of Amazonas (COIAM) have pointed out that they have not been informed of this agreement, let alone consulted on its implementation. They specifically point out that the agreement places geological exploration camps in Ocamo, Yanomami territory, Cacurí, Ye'kuana territory

Ye'kuana territory; Solano, Arawako territory; Santa Bárbara, multi-ethnic territory; and Puerto Ayacucho, multi-ethnic territory³⁵.

ii. Main rights violated

Violation of the right to consultation of indigenous peoples: The mining exploration proposed in the framework of this agreement between China and Venezuela for the elaboration of the mining map of Venezuela was carried out without prior, free and informed consultation of the indigenous peoples that inhabit the various Amazonian territories. Organisations that make up the Coordinating Body of Indigenous Organisations of Amazonas (COIAM) pointed out that they were not included in the negotiation processes of the China-Venezuela³⁶ agreement. The Working Group on Indigenous Affairs (GTAI) of the University of the Andes (ULA)-Venezuela, one of the organisations that has presented these rights violations at the Hearing of the Inter-American Commission on Human Rights (2016), has pointed out that the Venezuelan State deliberately confuses the right to consultation with the right to duly differentiated consent, when the constitution and international regulations require that States must carry out prior consultations³⁷.

Violation of the right to information: In 2013, the Coordinating Body of Indigenous Organisations of Amazonas (COIAM) requested official information on the mining activities arising from the cooperation agreement between China and Venezuela - which includes the completion of the mining map - this request was not answered, nor has information on the scope and results of this agreement been disseminated by other means. The details of China's agreements, plans and financing for mining projects in the Venezuelan Amazon are unknown. In view of this situation, indigenous organisations have demanded and demanded their right to information, as well as their right to consultation. At the 159th session of the Inter-American Commission on Human Rights on 6 December 2016³⁸, representatives of the Venezuelan state acknowledged that the project did not have an Environmental Impact Assessment study³⁹.

iii. Methodology

³³By Supreme Decree No. 2.248 of 24 February 2016.

³⁴<https://undocs.org/es/A/HRC/44/5>

³⁵ <https://www.unilim.fr/trahs/2210>

³⁶<https://www.iwgia.org/es/venezuela/1819-venezuela-politica-mineradel-gobierno-y-derechos.html>

³⁷<https://www.ecopoliticavenezuela.org/2019/11/07/informe-especialrelacion-china-venezuela-cuestion-colapso-economico-extractivismoderechos-humanos/>

³⁸https://www.youtube.com/watch?v=_9dt2rjLsCM

³⁹<https://vitalis.net/actualidad-ambiental/estado-venezolano-reconocecidh-no-ha-realizado-estudio-impacto-ambiental-arco-minero/>

The information on this case was collected by the Observatorio de Ecología Política de Venezuela. It was based on secondary information and documents from defenders' organisations and local organisations.

12. Gold mine Las Cristinas, Venezuela

Summary case information

Location: Sifontes Municipality, Bolivar State, Venezuela.

Chinese company: China International Trust and Investment Corporation (CITIC).

Funders: China Development Bank*.

Sector: Mining.

Project Status: Unknown.

Affected population or groups: Mainly indigenous peoples.

Main violations of HRs: Right to consultation, right to a healthy environment, right to territory of indigenous peoples.

Impacted natural environment: Ecosystems of the Cuyuní basin, Cuyuní basin, within the Imataca and Gran Sabana Forest Reserve (Venezuelan Amazon).

Organisation responsible for the case file: Observatorio de Ecología Política de Venezuela (Observatory of Political Ecology of Venezuela)

i. Description of the project

The Las Cristinas mine is Venezuela's main gold deposit. The mine's reserves are estimated at 55 million troy ounces (approximately 1,710 tonnes), valued at more than US\$70 billion⁴⁰. It is located on the borders of the Imataca Forest Reserve and the Gran Sabana and has multiple rights implications. Firstly, the set of agreements has affected the Amazonian indigenous peoples, who have pointed out that this mining advance has been carried out without prior, free and informed consultation, as well as without the provision of timely information on the projects, or the carrying out of environmental impact studies, as denounced by the Coordinating Body of Indigenous Organisations of Amazonas (COIAM)⁴¹. Similarly, social and human rights organisations have filed various types of complaints, such as hearings in international bodies denouncing⁴² the case or legal appeals seeking the annulment of the decrees⁴³. Within the framework of a set of agreements that the Venezuelan government signed with China, in February 2012 an agreement was formalised between Venezuelan government authorities and the China International Trust and Investment Corporation (CITIC) for the development of the "Las Cristinas" mining project, the largest gold deposit in the country, with the aim of exploiting and processing gold and copper. The Venezuelan government has not provided further details or documents on the deal. The few official announcements in the media referred to early work being carried out. In 2016, the Venezuelan

⁴⁰<https://oroinformacion.com/venezuela-presume-de-tener-la-mina-deoro-mas-grande/>

⁴¹<https://www.iwgia.org/es/venezuela/1819-venezuela-politica-mineradel-gobierno-y-derechos.html>

⁴² https://www.youtube.com/watch?v=_9dt2rjLsCM

⁴³<https://lortegadiaz.com/wp-content/uploads/2017/11/Recurso-denulidad-contra-decreto-del-Arco-Minero.pdf>

government announced agreements for the "Las Cristinas"⁴⁴ mine with the Canadian mining company Gold Reserve, so the project with CITIC would have ceased.

ii. Main rights violated

Violations of the right to consultation of the indigenous Amazonian peoples of Venezuela: The various agreements signed with China, which included the concession to Citic for the exploitation of Las Cristinas, were carried out without the prior, free and informed consultation of the indigenous peoples, both at local and Amazonian level. This was pointed out by the communities that make up the Coordinating Body of Indigenous Organisations of Amazonas (COIAM), who denounced the fact that they were not included in the negotiation processes of the China-Venezuela agreement. The indigenous organisations have clearly pointed out that the mega-project in which the proposed exploitation of Las Cristinas is part of, such as the "Arco Minero del Orinoco", repeats these patterns of lack of prior consultation or of dubious legitimacy. The Working Group on Indigenous Affairs (GTAI) of the University of the Andes (ULA)-Venezuela, is one of the organisations that has presented these rights violations at a hearing of the Inter-American Commission on Human Rights (2016). COIAM also requested information from the national government on the mining activities arising from the cooperation agreement between China and Venezuela⁴⁵, however, these requests were not met by the authorities and the company.

Violations of the right to a healthy environment: Indigenous organisations have denounced severe environmental impacts in sensitive environmental zones. At the hearing of the 159th Period of Sessions of the Inter-American Commission on Human Rights (IACHR) held in 2016⁴⁶, the Venezuelan government admitted that it had failed to carry out Environmental Impact Assessments (EIA)⁴⁷. Despite this, the Chinese company CITIC continued with the agreements established for operations in the area. Indigenous organisations have pointed out that these mining agreements with China (and in general those of the Orinoco Mining Arc) violate their cultural and health rights⁴⁸.

Violation of indigenous peoples' right to territory: The affected indigenous organisations have stated that the advance of this type of mining project in their ancestral territories hinders the demarcation of indigenous lands, which is continually delayed and which is enshrined in the Constitution of the Bolivarian Republic of Venezuela.

iii. Methodology

The information on this case was collected by the Observatorio de Ecología Política de Venezuela. It was based on secondary information and documents from defenders' organisations and local organisations.

13. Hydroelectric Complex on the Santa Cruz River, Argentina

Summary case information

Location: Santa Cruz River, Santa Cruz Province, Argentina.

⁴⁴http://www.pdvsa.com/index.php?option=com_content&view=article&id=5042:10490&catid=10&Itemid=589&lang=es

⁴⁵<https://www.iwgia.org/es/venezuela/1819-venezuela-politica-mineradel-gobierno-y-derechos.html>

⁴⁶https://www.youtube.com/watch?v=_9dt2rjLsCM

⁴⁷ https://www.youtube.com/watch?v=_9dt2rjLsCM

⁴⁸https://coaliccionregional.net/wp-content/uploads/2018/11/Informe_EPU_China_-vulneracion_derechos_humanos_pueblos_ind%C3%ADgenas-cuenca-amazonica.pdf

Chinese company: China Gezhouba Group Company Limited.

Financiers: China Development Bank Industrial and Commercial Bank of China. Bank of China.

Sector: Hydropower.

Project Status: Under construction (28% as of March 2021).

Affected population or groups: Indigenous people, women.

Main violations of HRs: Right to consultation, Right to a healthy environment.

Impacted natural environment: National Parks, Unesco Heritage.

Organisation responsible for the case file: Environment and Natural Resources Foundation (FARN).

i. **Description of the project**

The hydroelectric complex on the Santa Cruz River (also known as C ndor Cliff-La Barrancosa, formerly Kirchner - Cepernic)⁴⁹, is a project for the hydroelectric exploitation of the Santa Cruz River, and according to official announcements will generate 5% of the national energy matrix. It is the third largest hydroelectric project in the country and the largest to be financed and built by Chinese entities outside China. It will affect the third largest ice shelf in the world and the largest non-polar continental ice shelf with land access. The project compromises a natural ecosystem of high preservation value, will have several impacts on the life and culture of Tehuelche-Mapuche indigenous peoples, and threatens access to water for future generations, as well as endangering an endemic bird, the Tobiano mac . Currently, environmental organisations and indigenous communities are taking legal action to stop the project.

Thirteen Mapuche Tehuelche communities, workers of the construction company UTE, inhabitants of El Calafate, Luis Piedrabuena and future generations linked to access to water are affected.

ii. **Main rights violated**

The Hydroelectric Complex project on the Santa Cruz River will negatively impact the sacred spaces of native Mapuche Tehuelche communities, who have been denied their right to free, prior and informed consultation, and is potentially driving wildlife to extinction. It will have a negative impact on large river ecosystems and glaciers, such as the iconic Perito Moreno Glacier in addition to the Spegazzini and Upsala Glaciers located in Los Glaciares National Park, a World Heritage Site. Violations of the right to prior consultation of affected indigenous peoples: In August 2017, the Lof Fem Mapu Community filed an appeal for legal protection against the national and provincial governments and the construction companies. In response, the Federal Court of R o Gallegos, on 30 October 2017, demanded the National State, "...to constitute within a peremptory and non-extendable period of 20 working days a dialogue table that guarantees and materialises the process of prior consultation with the indigenous communities existing in the area of the construction of the dams on the Santa Cruz River". Although the stage of execution of the sentence is in force, the consultation has not been carried out.

Violations of the right to a healthy environment: The environmental impact assessment of the project was rushed and, as a result, lacks key information and in-depth analysis of the environmental impact. For example, the EIA did not comprehensively analyse impacts on the Southern Patagonian Ice Field, the third largest freshwater reserve in the world. Nor did it include an environmental impact assessment of the extra high voltage power lines associated with the project. A reflection of this weakness is the error in the construction of the Condor Cliff or Kirchner dam in November 2019, which caused a huge crack in one of the containment slopes due to geological problems and forced the original construction project to be changed.

⁴⁹The project has changed its name in various circumstances according to the government, so it is referred to as the Santa Cruz River dams to avoid confusion.

Labour rights violations: The health of those working on the construction site was exposed to the Covid-19 pandemic. At the end of October 2020, the national authorities ordered the total closure of entry and exit to the construction site due to a growing outbreak of cases for three weeks, until 20 November 2020. Other labour rights violations have been constant, in October 2019 dam security workers denounced lack of payment and threats of dismissal. In August of the same year there were similar problems because the service provider had not renewed contracts.

Lack of response from the Chinese authorities and responsible entities: Civil society organisations in Argentina have tried to engage in dialogue with the Chinese entities to inform them of the human rights violations in this project. On 31 March 2020, a letter was sent to Mr. Cao, the consultant responsible for the Chinese Ministry of Commerce for the project, without any response. On 20 May 2020, 73 organisations from Argentina and other countries sent a letter to the Minister of Commerce of the People's Republic of China and to the Chairman of the State Assets Supervision and Administration Commission of the State Council of China to communicate problems related to SARS-CoV-2, among others, in the project "Hydroelectric Complex on the Santa Cruz River in Argentina" demanding immediate action from Chinese institutions to address the demands of local organisations, but no response was received. On 10 July 2020, organisations from Argentina and other countries sent a letter to the Chinese Ministry of Foreign Affairs about the difficulties that CSOs face in communicating with the Chinese authorities.

iii. Methodology

The information in this case was collected by FARN. It was based on reports from civil society organisations <https://chinaenamericalatina.info/wp-content/uploads/2016/11/Documento-REPRESAS-SOBRE-EL-R%C3%8DO-SANTA-CRUZ.pdf> secondary information and testimony from other affected defenders and local organisations.

14. Ivirizu Hydroelectric Project, Bolivia

Summary case information

Location: Department of Cochabamba, Carrasco Province. The main components of the project are located in the Ivirizu river basin, inside the Carrasco National Park (Protected Area).

Chinese company: Sinohydro Corporation Limited.

Financiers: Empresa Eléctrica Valle Hermoso EVH (Own Resources).

Status of the project: In execution.

Population or groups affected: Population of the department of Cochabamba.

Main violations of HRs: Right to a healthy environment.

Impacted natural environment: Carrasco National Park. Amazon.

Organisation responsible for the case file: Documentation and Information Centre Bolivia

i. Description of the project

The Ivirizu Hydroelectric Project involves the construction of two hydroelectric power plants (Sehuencas and Juntas) of 180 and 74 MW. The project comprises the largest dam under construction in Bolivia, which will contribute to generating around 10% of the country's current installed power. It is the most expensive works awarded by the Bolivian state to a Chinese company

in this sector and is the most expensive hydroelectric power generation project undertaken in Bolivia so far. It is also the first hydroelectric dam to be built in a national protected area in the country. The works have affected more than 280 hectares of forest within the Carrasco National Park, which is the habitat of endangered species of flora and fauna. The Ivirizu hydroelectric project will negatively impact the Carrasco National Park and Bolivia's system of protected areas, affecting 18 peasant communities. The population of the department of Cochabamba will be affected by the long-term impacts on the Carrasco National Park. The hydroelectric dam will permanently affect the environment due to the potential extinction of endemic flora and fauna, and the irreversible effects on the ecosystem of the Villcabamba - Amboro corridor.

The hydroelectric dam will affect 18 communities located in the municipalities of Pocona, Totora, Mizque, and the Carrasco National Park, which will have future consequences for the population of the department of Cochabamba.

ii. Main rights violated

Violations of the right to a healthy environment: The project will affect several ecological zones that are characterised by their high biological diversity. It is estimated that there are more than 3,000 species of higher plants, of which only 614 have been recorded⁵⁰. Among the most notable are the forests of queñua, huaycha, walnut, yuraj, mountain pine, wild coca, cedar, alder, limachu, red isigo, bibosi, guitarrero and palo María. In addition, there are more than 300 species of orchids, 50 of which are endemic⁵¹. The deforestation of more than 280 hectares of forest threatens wildlife in particular. There are more than 382 species in the area, including 52 species of higher mammals, including the spectacled bear (*Tremarctos ornatus*), the Andean deer (*Hippocamelus antisensis*), the Jaguar (*Panthera onca*) and the Andean cat (*Leopardus jacobita*). There are more than 700 species of birds. The most endangered species is the yuracare frog (*Telmatobius yuracare*), of which there are only five specimens. Such is the wealth at risk that, during the project's environmental mitigation activities, a group of biologists found, after 18 years, a species of frog (the glass frog, *Nymphargus*) that was thought to be extinct. The Environmental Impact Assessment Study is not public, so it is not known what measures will be taken to protect the environment.

The access roads to the project have been used for the illegal entry of coca leaf growers, which puts the ecological balance of the Carrasco National Park at risk, as well as the stability of the indigenous communities in the area.

In December 2020, more than 50 Bolivian civil society organisations sent a letter to the company Sinohydro, the Chinese embassy in Bolivia, the Ministry of Ecology and Environment (MEE), the Chinese Ministry of Commerce, among others, regarding the absence of environmental safeguards in this project, the same communication was sent again in January 2021. To date there has been no response.

iii. Methodology

The information in this case was collected by CEDIB. It was based on official reports from Empresa Eléctrica Valle Hermoso S.A. (2016). Ivirizu Hydroelectric Project - Final Design Study and secondary information from print media.

⁵⁰ Empresa Eléctrica Valle Hermoso S.A. (2016). Ivirizu Hydroelectric Project - Final Design Study. Cochabamba: maud - EVH - ENDE 54 Ibid.

⁵¹ Newspaper Bolivia, Warning of ecological imbalance in Carrasco Park, 10 February 2020. CEDIB, Contradictions in the management of Protected Areas: Carrasco, Tunari and Tariquía, March 2021.

15. Rio Grande Rositas Multiple Project, Bolivia

Summary case information

Location: Department of Santa Cruz, Bolivia. Main production area of agricultural products for national consumption and territory where the Guaraní indigenous peoples live.

Chinese company: Rositas Accidental Association (AAR). China International Water & Electric, China Three Gorges Corporation and the construction company Reedco SRL.

Financiers: Export-Import Bank of China.

Project Status: Paralysed.

Affected population or groups: Guaraní indigenous people, agricultural producers and urban centres.

Main violations of HRs: Access to information, right to prior consultation, self-determination, due process and judicial protection.

Impacted natural environment: Serranía de Iñaño National Park and Integrated Management Area (ANMI); Integrated Management Natural Area (IMNA) Río Grande - Valles Cruceños; Parabanó Municipal Protected Area.

i. Description of the project

This project consists of the construction of a reservoir for hydroelectric generation. It will consist of a power plant with an installed capacity of 400 MW⁵². It also includes seven dams for electricity generation. The project is part of the Bolivian government's "Energy Heart of South America" initiative, which includes the construction of several hydroelectric power plants. The projected external debt to develop the project could equal or exceed the country's GDP⁵³. The project would flood 45,000 hectares, affecting the Serranía de Iñaño National Park and Integrated Management Area (ANMI); Río Grande - Valles Cruceños Natural Integrated Management Area (ANMI); Parabanó Municipal Protected Area. It will destroy road infrastructure and affect irrigation systems and freshwater sources⁵⁴.

Twenty-three communities⁵⁵ are affected, including the Guaraní Indigenous Peoples, specifically the indigenous communities of Kaaguazu; small and medium-sized agricultural producers; and the population of the cities of Valle Grande (approximately 6,000 people) and Camiri (approximately 35,000 people).

ii. Main rights violated

Violations of the right to a healthy environment: The project would indirectly affect six national protected areas, one departmental protected area and 14 municipal protected areas. The most affected will be the Serranía de Iñaño National Park and Integrated Management Natural Area (National Protected Area); the "Río Grande Valles Cruceños" Integrated Management Natural Area (departmental Protected Area) and the Parabanó Municipal Protected Area (municipal Protected Area).

⁵²Centre for Documentation and Information Bolivia, Energy Policy and Hydropower, 2017 hydropower, 2017

⁵³El Diario, Hidroelectric plants will demand more funds than foreign debt, 10 March 2019; Los Tiempos, 4 hydroelectric plants would cost more than current foreign debt, 10 March 2019; Los Tiempos, ENDE seeks to retake Rositas; those affected see economic interests, 9 February 2019

⁵⁴Los Tiempos, coordinator affirms that 4 hydroelectric dams will flood 2000 km², 16 March 2019

⁵⁵ Agua Buena; Centro Poblado Abapó; Itaguazuti; Lajita Moroco; Moroco Arriba; Hacienda Rositas; Zona Suspiros; El Silencio; Ipita; La Junta; Hacienda Taruma; Yumao; alarza; Mosquera perdido; San Marco; Arenales; Masicuri; Pucarillo; Tocos; Vado de Yeso; Itapochi; Itikaraparirenda; Santiago de las Frias (Communities of the Department of Santa Cruz and Chuquisaca, provinces Cordillera, Vallegrande and Luis Calvo) In total 23 communities including two Guaraní Community Lands of Origin (TCO), Kaaguazu indigenous community.

Violations of the affected communities' right to information: The indigenous communities of Kaaguazu submitted written complaints and requests for information about the project to the National Electricity Company (ENDE) and the Bolivian Ministry of Public Works, as well as a Popular Action lawsuit against ENDE. The Committee for the Defence of Land and Territory sent a letter to the president of Bolivia on 11 October 2017, expressing its opposition to the Rositas hydroelectric project because of all the negative impacts it will suffer. In relation to all of these efforts, there have been no formal and complete responses from the State and the companies.

Violations of the Guaraní indigenous people's right to prior consultation: The project for the construction of the Rositas hydroelectric plant did not comply with the requirement to establish free, prior and informed consultation⁵⁶. Although, according to the authorities' version, it has not yet materialised, legislative and administrative measures were taken without the consent of the Guaraní communities. In May 2018, jurisdictional authorities rejected a Popular Action filed by Guaraní Indigenous Peoples without substantiating the reason for rejecting the claim. On the contrary, ENDE signed an agreement between the central organisation of the Guaraní Indigenous Peoples (APG) without taking into account the representatives of the Kaaguazu people, who are directly affected by the project. Several leaders of the Kaaguazu people have been threatened. Other rights defenders who support the Kaaguazu people have also been threatened.

iii. Methodology

The information on this case was collected by CEDIB. It was based on official reports, reports from civil society organisations, secondary information and testimony from other defenders' organisations and affected local organisations.

16. Rucalhue hydroelectric power plant, Chile

Summary case information

Location: Biobío region, communes of Santa Bárbara and Quilaco.

Chinese company: China International Water & Electric Corporation (CWE), subsidiary of China Three Gorges Corporation (CTG).

Sector: Hydroelectric.

Project Status: Initial construction phase.

Affected population or groups: Pehuenche Mapuche Indians, local population of Rucalhue, Santa Bárbara and Quilaco.

Main violations of HRs: Right to consultation, Right to a healthy environment, Right to peaceful protest.

Organisations responsible for the case file: OLCA

i. Description of the project

The Rucalhue plant is intended to be the fourth hydroelectric plant to be installed on the Biobío river and consists of a run-of-river hydroelectric plant with a reservoir downstream of the confluence of

⁵⁶Earth Rights International, Dams, a threat to Bolivia, 24 February 2019; ADHMA, Evidence of violation of the right to Prior Consultation of Indigenous Peoples in extractive activities and construction of large infrastructure, Third Session, Universal Periodic Review, Human Rights Council, JS4, 2019.

the Biobío and Quilme rivers. According to the project's Environmental Impact Study, the dammed area will be at least 7.7 kilometres long, affecting an area of unique environmental value in a region inhabited by more than 1.5 million people. The project was environmentally assessed through an EIA, which was approved by Resolution N°159 of the Environmental Assessment Service of the Biobío Region on 26 April 2016. It is the first Chinese investment in the Chilean hydropower sector. CWE acquired the hydroelectric power plant project with the environmental permit already approved, but without considering the community's rejection, as it is located in a sensitive area affected by more than twenty hydroelectric projects that have generated cumulative impacts on water quality, the flow regime and modifications to the habitat of species, such as fish, in one of the regions with the greatest biodiversity in the country. The affected communities are the Mapuche Pehuenche and environmental groups living in the communes of Santa Bárbara and Quilaco.

ii. Main rights violated

The Rucalhue Hydroelectric Power Plant project has a negative impact on the native Mapuche Pehuenche and local communities, who claim that they have not been properly consulted. The affected local communities consider that the dam will affect the traditions and ways of life of the people of Rucalhue and its surroundings and accuse the company of refusing to modify the project. The company's security forces and private guards have violently intervened in peaceful demonstrations by these groups. The company has brought criminal charges against young people and environmental leaders.

Violations of the right to prior consultation with affected indigenous peoples: In the definition of the area of the project site, the friendly settlement agreement between the Chilean State and the Mapuche Pehuenche families of Alto Biobío, approved by the Inter-American Commission on Human Rights (IACHR) on 11 March 2004, was not taken into account: "(...) Agree on binding mechanisms for all State bodies to ensure the non-installation of future mega-projects, particularly hydroelectric projects, on indigenous lands in the Alto Bio Bio Bio (3.d)". This agreement includes "(...) the modification of the respective territorial planning instrument, so that the Indigenous lands of the Alto Bío Bío are qualified as an area of protection of resources of natural or cultural heritage value, and consequently, are declared non-buildable zones or restricted building conditions (ibid.)". According to the communities, the agreement restricting new hydroelectric works includes the area where the Rucalhue power plant⁵⁷ is to be built. The project will have negative impacts on indigenous life and culture. The local communities will see various historical and archaeological sites of great importance to their culture affected by the construction of the power plant. In addition, the Mapuche Pehuenche indigenous population and the rest of the inhabitants of Rucalhue, a locality between the municipalities of Santa Bárbara and Quilaco, have not been properly consulted. For example, as of June 2016 the authorities reported that three indigenous communities were consulted. However, in August 2021, Hilda Riquelme, member of Mapu Domuche Newen, and landowner in the vicinity of the project area, complained that she had not been considered in the indigenous consultation process⁵⁸. Furthermore, 60 families in the sector of Pichimapu, in the municipality of Santa Bárbara, were not informed until the works began, even though the works will flood their land. On 25 September 2021, the municipality of Quilaco carried out a non-binding public consultation⁵⁹ for the population to approve or reject the project. 90% of those consulted rejected the project.

⁵⁷IACHR committed to, "Continue with the follow-up and monitoring of each and every one of the points of the friendly settlement, and in this context, remind the parties of their commitment to report periodically to the IACHR on compliance". See Bases of Agreement between the State of Chile and the Pehuenche Mapuche Petitioner families of the Alto Biobío for a Friendly Settlement Proposal, N°3. Letter d) approved by the IACHR at <https://www.cidh.oas.org/annualrep/2004sp/Chile.4617.02.htm>.

⁵⁸<https://www.terram.cl/2021/11/en-nombre-del-progreso-losefectos-de-la-inundacion-que-arrastraria-la-instalacion-de-la-centralhidroelectrica-rucalhue/>

⁵⁹<https://resumen.cl/articulos/paralizada-nueva-central-del-biobiorucalhue-resiste>

Violations of the right to a healthy environment: Environmental organisations have denounced that the project will affect the flow of the Biobío and Quilme rivers, the fauna, mainly 29 endemic bird species such as the Dominican gull, and protected native trees in the area such as the peumo, the guindo santo and the naranjillo. At least 100 kilometres downstream of the dam will change its current land use, creating risks of landslides and flooding. In August 2020, China International Water & Electric Corporation introduced major modifications - for example in the design of the dam, the South Bank safety zone and the relocation of permanent roads - to the original project that required a new environmental assessment. However, in November 2020, Chile's Environmental Assessment Service (SEA) accepted these modifications without submitting them to a new study. Communities in the area question the approval of these changes and call for a thorough review of the environmental qualification. Environmental groups denounce that the project will fragment their territory and that the environmental impacts will affect their access to fish that have been an important part of their diet. The complaints have been accompanied by the filing of legal actions against the company for not complying with the necessary documentation to carry out works in specific areas, which have been presented by the municipalities of Quilaco and Santa Bárbara in response to the mobilisation of the communities.

Violations of the right to peaceful protest: In mid-February 2021, socio-environmental organisations from the municipalities of Santa Bárbara and Quilaco initiated a social movement with the aim of halting the project, stopping the construction works and making the magnitude of the impacts on the ecosystem visible to local and national citizens. On that occasion, a group of young people set up an encampment at the access to the site, where they remained for more than five months. On 13 April 2021, the protesters denounced intimidation and injuries by company personnel. In July 2021, under a court order, members of the Chilean police proceeded to evict them from the site. China International Water & Electric Corporation filed criminal charges against environmental defenders. On 5 April 2021, CWE's lawyer and its legal representative, Eduardo Soto Delgado and Cai Yunpeng respectively, filed criminal charges against the leaders Paula Riffo Vallejos, Diego Barrientos Rivera and Juan Pablo Jara for the crimes of violent usurpation, threats and theft in a place not intended for habitation. This indictment was extended on 26 April 2021 against Diego Barrientos for the crime of kidnapping. Likewise, in October 2021, young people entered land where the company intended to carry out work, setting up a makeshift camp that was evicted by the Chilean police and company guards in December of the same year.

At the end of December 2021, the company filed a new complaint for threats, aggravated damage and robbery with intimidation against the people found to be responsible for the new incident, naming a dozen young environmentalists as participants in the occupation.

Lack of response from the Chinese authorities and responsible entities: Before the conflict escalated, the company failed to promote effective channels of dialogue with affected groups and communities. Spaces for dialogue in the context of the demonstrations, for example during the first half of 2021, did not prosper. In September 2021, a group of Latin American organisations sent a communication to China Three Gorges Corporation (CTG), China International Water & Electric Corporation (CWE) and the Chinese embassy in Chile communicating the problems of the project and the need for the company to evaluate its viability. Unfortunately, no response was received from the Chinese actors.

iii. Methodology

The information in this case was collected by OLCA and Sustentarse. It was based on reports from civil society organisations, secondary information and testimony from other defenders and affected local organisations.

17. Hidroituango hydroelectric project, Colombia

Summary case information

Location: Cauca River Colombia. Municipalities of the department of Antioquia: Buritacá, Ituango, Briceño, Toledo, Valdivia, Liborina, Santa Fe de Antioquia, Olaya, San Andrés de Cuerquia, Yarumal, Peque, Tarazá, Cáceres, Caucasia and Nechí. Municipalities of the department of Bolívar: San Jacinto del Cauca, Achí, Pinillos, Magangué. From the department of Sucre: Guaranda, Majagual, Sucre, San Marcos, Caimito, San Benito Abad and from the department of Córdoba: Ayapel.

Financiers: Industrial and Commercial Bank of China, China Cofinancing Fund for Latin America and the Caribbean.

Sector: Energy (hydroelectric)

Affected population or groups: River communities: fishermen, barequeros (ancestral and artisanal miners), peasant communities, indigenous population (Senú and Nutave), Afro-descendant communities and mostly communities that are victims of the armed conflict and socio-political violence suffered by Colombia.

Main violations of HRs: Right to a healthy environment, Right to work, Right to housing, Workers' rights, Cultural rights, Right of victims of crimes against humanity.

Impacted natural environment: Tropical Dry Forest BST, protected by international conventions, wetlands, marshes (mainly in the Mojana Ecoregion), Rainforest mainly), Humid Forest and Cloud Forest. The Cauca River Canyon is a geological formation resulting from the confluence of two mountain ranges, the central and the western bifurcations of the great Andean mountain range.

Organisation responsible for the case file: Movimiento Rios Vivos Colombia

i. Description of the project

The Cauca River is the second most important river in Colombia, crossing eight departments and is part of the culture and economy of many of the country's municipalities. The Hidroituango hydroelectric megaproject is the largest in Colombia and aims to have an installed capacity of 2,400 MW. It began construction in 2009, flooded more than 26,000 hectares and is impacting more than 100,000 ha, however, this figure does not include the affected areas downstream that are already suffering the ravages of the artificial diversion of the Cauca River, the drought of the basin due to its obstruction and above all the uncertainty due to the permanent risk of the collapse of the work, due to its instability and an avalanche resulting from the irresponsible management of the work, which occurred in 2018. The Environmental Impact Assessment (EIA) of the project established that the negative impacts far outweigh the positive impacts, for example, contamination of surface and groundwater, changes in the quality of the water in the reservoir, changes in the fluvial dynamics of the Cauca River, changes in the abundance of the species that make up the fish community in the Cauca River basin, among others⁶⁰. In addition, there have been forced displacements of peasant communities, fishermen and barequeras (artisanal miners) from the zones of influence of the megaproject⁶¹. Because of all the systematic violations of the rights of the people affected by this megaproject, the communities demand the controlled dismantling of the Hidroituango dam⁶².

The number of people affected is uncertain and is the result of major conflicts with the population, as there is a huge debate about the impacted area and the company building the project refuses to recognise areas with obvious impact and risk and therefore denies its population and its ecosystems. The Rios Vivos Movement, which is made up of fishermen's organisations from affected

⁶⁰<https://justiciaambientalcolombia.org/estudio-de-impacto-ambiental-delproyecto-hidroituango/>

⁶¹<https://riosvivoscolombia.org/no-a-hidroituango/lo-que-debes-sabersobre-hidroituango/>

⁶² <https://www.redes.org.uy/2018/07/09/colombia-hidroituango-causo-mas-desplazamientos-forzados-que-la-guerra-en-el-canon-del-rio-cauca/>

communities, has a social base of approximately 1,200 families and estimates the affected population at 300,000 people. For its part, the Comptroller General's Office has stated that there is no certainty about the number of people affected, and its estimate is 180 people. However, the company speaks of no more than 3,000 people.

ii. Main rights violated

Violation of cultural rights. Violation of the right to work, to life, to life with dignity and to food:

The canyon communities are direct descendants of indigenous communities, in many cases they are indigenous people who do not self-identify and in other cases their parents or grandparents are⁶³. Their cultural identity, way of life and subsistence is directly related to the geographical space and ecosystem they inhabited, which has been completely destroyed by the construction of Hidroituango. Food was obtained from the river and the forest, the latter was abruptly flooded since 28 April 2018 when, without fulfilling the legal requirements, the company EPM sealed with cement the two diversion tunnels of the Cauca River and without having completed the wall, the spillway, the intermediate discharge tunnel, without having removed the topsoil, they began filling the river, without warning the communities in the flood zone, who had to be rescued by rescue workers but did not receive any kind of help for the flooding of their belongings, the loss of their places and forms of work, their homes and livelihoods. Due to the accelerated filling, the slopes of the reservoir were eroded and hundreds of landslides made it very dangerous to go near the reservoir. The bridges that were not only the way to connect the communities but also sites of memory were flooded, mass graves and burial sites of corpses that had died and previously the communities had made public complaints about it demanding that the right of the relatives to find the disappeared not be violated, were also under the waters, in this regard the communities went to the JEP to protect the sites and take measures in this regard.

As if the above were not enough, a single tunnel through which the water was left to pass was built illegally⁶⁴ without the necessary technical requirements and collapsed, generating an avalanche of enormous proportions that washed away bridges, schools, hospitals, houses and crops that have still not been repaired to this day. Many families lost everything and are still at high risk. In February 2019 they decided to dry the river, disconnecting it completely for several days, which caused the death of fish and many other species unprecedented in the history of large rivers in Colombia⁶⁵, leaving the communities downstream of the dam wall without their main source of food.

Violation of the right to an adequate and healthy environment: In 2018, the Comptroller General of the Republic conducted an audit⁶⁶ of the management of the environmental authorities in the licensing process of the project, in the report the Comptroller General highlights that serious errors were evident in the environmental licensing process and in the constructive development of the megaproject. For example, it was found that the Ministry of Environment issued the environmental licence knowing that there were about eleven geological faults in the project area, the report also revealed that the processes of compensation, protection of endangered species and reforestation by the executing company are long overdue. Furthermore, according to the EIAs⁶⁷, the negative impacts of the project are numerous, to mention a few: air pollution, contamination of surface and ground water, changes in the quality of the water in the reservoir, changes in the fluvial dynamics of the Cauca river, modification of the physical and chemical properties of the soils, modification of the landscape, loss or fragmentation of habitat, death and displacement of fauna species, change in the

⁶³ Direct testimony from the communities. <https://riosvivoscolombia.org/>

⁶⁴ Special Jurisdiction for Peace <https://www.jep.gov.co/Sala-de-Prensa/Paginas/La-JEP-establece-que-2.094-personas-fueron-v%C3%ADctimas-de-desaparici%C3%B3n-forzada-en-el-%C3%A1rea-de-influencia-deHidroituango.aspx>

⁶⁵For this reason, the Environmental Licensing Authority ANLA, which authorises this type of work in Colombia and grants environmental licences, filed criminal charges against the builders of the project for the crime of procedural fraud

⁶⁶<https://www.contraloria.gov.co/documents/20181/1134239/Informe+Auditoria+ITUANGO.pdf/239ac985-f378-4eda-8bce3129d87a66c?version=1.1>

⁶⁷<https://www.rcnradio.com/economia/contraloria-encontroirregularidades-en-licencia-ambiental-de-hidroituango>

abundance of the species that make up the fish community in the Cauca river basin, proliferation of disease vectors, effects on the identified archaeological sites, transformation of the cultural systems of the affected population, involuntary (forced) displacement of the population and affectation of their living conditions, generation of conflicts motivated by the presence of the project, alteration of the regional economy⁶⁸.

Violation of the right to housing: Since the beginning of the construction of the megaproject in 2010, there has been evidence of forced displacement of more than 900 families who inhabited territories that are now part of the megaproject. This is the case of barequero families who historically lived in the Cauca River Canyon (municipalities of Valdivia, Ituango, Briceño, Toledo, Sabanalarga, Peque and San Andrés de Cuerquia). In many cases the evictions took place without any compensation or indemnity⁶⁹. No measures have been taken to ensure that all displaced and resettled persons have access to decent housing. With the emergency that has been going on since April 2018 and has not yet ceased, the project has destroyed the homes of thousands of people and has not yet repaired them. Those that remain standing are at permanent risk as there is no certainty about the stability of the work and this uncertainty has caused the homes, land and businesses in the area to lose all their commercial value.

Violation of labour rights: Following the floods in 2018 caused by a series of errors in the construction of the dam, thousands of people lost their livelihoods, as the floods forced thousands of families to suddenly evacuate their homes and also caused the loss of material belongings, crops and work animals. In 2019 the dam gates were closed and this caused the river to dry up downstream, affecting the communities that live from fishing in the Cauca River. In 2020, with the arrival of Covid-19, more than a thousand project workers were infected. Some have died, but the company has not taken the necessary measures to prevent and stop contagions in the dam and surrounding areas, putting the lives and health of its workers and the surrounding communities at risk. In fact, after the contagion of several workers at the dam, there were contagions in the communities neighbouring the project camps, such as: Sabanalarga, San Andrés de Cuerquia, Ituango, Briceño, Valdivia and Toledo.

Violation of the rights to freedom of association, peaceful assembly, participation and personal safety: In 2013, members of the Rios Vivos Colombia Movement began to be assassinated; to date, six have lost their lives in unclarified circumstances, and at least 58 members of the Movement have received constant threats, both individually and collectively, and the illegal groups prohibit them from protesting and denouncing the project. Harassment and persecution, including from the authorities, have forced them to request protection measures.

iii. Methodology

The information on this case was collected by the Movimiento Rios Vivos. It was based on official reports from the Colombian state.

<https://www.contraloria.gov.co/documents/20181/1134239/>

Informe+Auditoria+ITUANGO.pdf/239ac985f378-4eda-8cbc-e3129d87a66c?version=1.1 from civil society organisations <https://justiciaambientalcolombia.org/estudio-de-impacto-ambiental-del-proyecto-hidroituango/>

on secondary information from the print media and on the investigation of the case by the affected communities themselves <https://riosvivoscolombia.org/no-a-hidroituango/lo-que-debes-saber->

⁶⁸<https://riosvivoscolombia.org/no-a-hidroituango/lo-que-debes-sabersobre-hidroituango/>

⁶⁹https://media.business-humanrights.org/media/documents/files/documents/rapport_77_colombia_lowres_0.pdf

sober-sobre-hidroituango/ https://media.business-humanrights.org/media/documents/files/documents/rapport_77_colombia_lowres_0.pdf

18. Hydroelectric project Coca Codo Sinclair, Ecuador

Summary case information

Location: Ecuador, Napo and Sucumbios provinces, Ecuadorian Amazon.

Chinese company: Sinohydro Corporation (Construction phase).

Financiers: Export-Import Bank of China.

Sector: Energy (hydropower).

Project Status: Operational.

Affected population or groups: Indigenous peoples, women, rural communities, urban populations.

Main violations of HRs: Right to a healthy environment, Right to food, Right to health, Right to water and Labour rights.

Impacted natural environment: Coca and Napo river banks.

Organisation responsible for the case file: Alianza por los Derechos Humanos de Ecuador (Amazon Watch)

i. Description of the project

Coca Codo Sinclair is the largest hydroelectric power plant in Ecuador. It was built by the Chinese company Sinohydro Corporation since 2010 and inaugurated in 2016, at a cost of approximately USD 2.245 billion, of which USD 1.682 billion was covered by a loan from EximBank-China. The project is located in the Coca River basin, in the Amazonian provinces of Napo and Sucumbíos, and has an installed generation capacity of 1,500 MW, supplying up to 30% of the national demand. In the planning of the project, the company did not generate the necessary studies to foresee the effects of regressive erosion, increasing its acceleration rate by 42%. Due to the lack of predictability of the adverse effects of the presence of the project, hundreds of communities are currently seeing the integrity of their homes, livelihoods and the right to health, food, among others, threatened.

ii. Main rights violated

Violation of labour rights: In the construction of the Coca Codo Sinclair project, health and safety deficiencies stand out. In December 2014, a landslide caused the death of 14 workers and 12 were injured. The Public Prosecutor's Office opened an investigation on the presumption of culpable homicide, which was closed on the grounds that the cause of the incident was a natural tragedy. However, geological and engineering studies warned that this contingency was foreseeable.

Right to a healthy environment: As a consequence of the accelerated regressive erosion caused by the Coca Codo Sinclair hydroelectric plant, on 2 February 2020, the San Rafael waterfall collapsed and completely changed the morphology of the river. This event not only implied the loss of one of the most important natural heritages of the country, but also the collapse of three oil pipelines that poured about 57,000 litres of oil into the Napo and Coca rivers on 7 April 2020. This was the second largest oil spill in Ecuador's history and resulted in the death of these rivers. The impact affected

120,000 people, of which 27,000 are directly affected Kichwa indigenous people, another 85,000 people suffered indirect impacts in three Amazonian provinces: Napo, Sucumbíos and Orellana.

Violation of the right to food, water and health: It is important to remember that at the time of the disaster, Covid-19 was already present in the Ecuadorian Amazon. With the rivers dead, the situation became untenable. The population, dependent on the rivers for survival, was unable to maintain its food supply in a context where it was also forced to adopt measures to prevent and control the Covid-19 pandemic. Thousands of people suddenly lost access to water, food and a healthy environment. This had a profound impact on the physical and emotional health of the population.

iii. Methodology

The information in this case was gathered by Amazon Watch on the basis of secondary information and testimonies from affected people.

19. Hydrocarbon exploration and exploitation in Block 14, Ecuador

Summary case information

Location: Amazonia, in the province of Orellana, in the eastern region of continental Ecuador. The Block is located on Waorani ancestral territory and in the Yasuní National Park.

Chinese company: China National Petroleum Corporation (CNPC) and China Petrochemical Corporation (SINOPEC).

Status of the Project: The project is currently in force and in execution under the last contract signed in 2010, in the name of PetroOriental S.A.

Affected population or groups: Indigenous people, Waorani Miwaguno Commune.

Main violations of HRs: Right to a healthy environment, Right to food, right to water, right to health, right to territory, right to life. Rights of nature.

Impacted natural environment: Amazon, Yasuní National Park.

Organisation responsible for the case file: Alianza por los Derechos Humanos Ecuador

i. Description of the project

It is a hydrocarbon exploration and exploitation project, which involves the drilling of wells, construction of pipelines, oil facilities and civil works in Block 14. This block is inside the Yasuní National Park, one of the most biodiverse in the world.

The environmental impacts are considerable and affect the Yasuní environment and the Waorani Miwaguno indigenous communities. In particular, the burning of gas associated with oil affects the health of the people of this community and contributes to climate change, which affects the community through changes in climate and rainfall patterns, with the consequent loss of food sovereignty. The activities carried out in this project include the exploration and exploitation of hydrocarbons (drilling of wells, construction of pipelines, oil facilities, and necessary civil works). It is currently in the production phase, which causes pollution from noise, light and the disposal of waste from the oil industry, such as formation water, drilling muds and associated petroleum gas.

Block 14 is ancestrally inhabited by different communities of the Waorani nationality. In particular, the Waorani Miwaguno Commune consists of 165 people who live from farming, hunting and fishing in the rivers. Most of their territory is within the Yasuní National Park. Miwaguno has been affected by the loss of ecological balance due to climate change, to which the three lighters in Block 14 contribute, and has therefore filed a Protection Action for the violation of its constitutional rights: *Miwaguno vs PetroOriental S.A.* (Acción de Protección No. 22201202000469 del 10.10.2008). 22201202000469 of December 10, 2020). On 19 April, the judge hearing the case ruled against Miwaguno and the other plaintiffs, so the lawsuit will be taken to the second instance on appeal.

ii. Main rights violated

Violation of the right to water and food: Due to climate change, rainfall and flood cycles, their frequency and intensity have changed, which directly impacts the availability, access, quantity and quality of this vital element. For this reason⁷⁰ we maintain that the fundamental right to water is being violated⁷¹.

Violation of the right to health: Climate change has affected the availability, access, quantity and quality of water and food, as well as traditional medicine, which directly affects the right to health. For this reason we maintain that the constitutional right to health is being violated⁷².

Violation of the right to territory: The claimant community is losing the ability to maintain its identity, ancestral traditions and forms of social organisation. Their ability to enjoy the natural resources on which they depend for their survival has been limited. In addition, their ancestral practices of diversity and territorial management are becoming obsolete due to Climate Change⁷³.

Violation of the right to life and life with dignity: Climate Change has impacted the quality and quantity of water, food and traditional medicines available to the claimants, which severely impacts their ability to exist with dignity⁷⁴.

Violation of the rights of nature: The GHG emissions emitted by the defendant contribute to altering the carbon cycle, which is one of the cycles that sustain the balance in the biosphere. Thus, disruption of the carbon cycle has widespread consequences across the planet because it affects the balance of all ecosystems. The rupture of vital cycles, the disruption of the structure and interruption

⁷⁰The interview with the Miwaguno Commune reflects this situation when they tell us that before, when they went hunting they used to find Guanganas, and that to make their farms they had what they needed, such as new soil and water, whereas now their food is less healthy and there is a shortage of products. See Digital Archive with videos (MAH01833, MAH01849, MAH01850, MAH01853, MAH01856 and MAH01857) and audio interviews with the Miwaguno Community (FLASH MEMORY), attached to the complaint as Annex 10.

⁷¹Pego Enomenga Enomenga Semi-Structured Interview Form, attached as Annex 5 to this application:

Q: When it rained, was it a lot or a little water that fell? A: It rained for two or three days in a row, but it was not very heavy.

Q: When it rains, is it a lot or a little water? A: It rains less but sometimes harder.

Q: How long did the rain last? A: 2-3 days

Q: How long does the rain last? A: Sometimes it rains for half a day or a day.

Q: What were the river overflows like, a lot of water a little water? A: In the past the river did not rise so much. It was high but it didn't overflow. It rained longer but less heavily.

Q: How are the rivers overflowing now? Much water little water? A: Now the water covers the crops. There is a lot of water.

⁷²See transcript of interview with the Miwaguno Community, VIDEO (Video MAH01083), in the trial file.

⁷³IACHR, Report No. 40/04, Case 12.053, Maya Indigenous Communities of the Toledo District (Belize), 12 October 2004, para. 114.

⁷⁴Case of the Yakye Axa Indigenous Community v. Paraguay, supra, para. 167, Case of the Sawhoyamaya Indigenous Community v. Paraguay, supra, paras. 156-178 and Case of the Xákmok Kásek Indigenous Community v. Paraguay. Merits, Reparations and Costs. Judgment of August 24, 2010. Series C No. 214, paras. 195 to 213.208Cf. Case of the Yakye Axa Indigenous Community v. Paraguay, supra, para. 163 and Case of Chinchilla Sandoval et al. v. Guatemala, supra, para. 168.209Cf. Case of the Yakye Axa Indigenous Community v. Paraguay, supra, para. 163, Case of the Xákmok Kásek Indigenous Community v. Paraguay, supra, para. 187, and Case of the Kaliña and Lokono Peoples v. Suriname, supra, para. 172.

of the functions and evolutionary processes that affect the biosphere, constitutes a violation of the constitutional right contained in article 71⁷⁵.

Violation of the right to a healthy and ecologically balanced environment: The worldview of indigenous peoples is based on the harmonious and holistic relationship in all the elements of Nature, and therefore, when this harmonious relationship is broken, the cornerstone that sustains them, not only culturally, but also in their daily food and medical needs, is weakened. In other words, an environment that is not ecologically balanced has particularly serious effects on those peoples who depend on this balance for their subsistence, such as the plaintiffs in this case⁷⁶. Ecological balance depends on several factors in the environment that allow the ecosystem to reach a stable dynamism. This balanced dynamism allows for a constant exchange of energy and nutrients, which is dynamic but sustainable. Climate is a determining factor in this balance, as it affects temperature, humidity, precipitation and other factors that determine aspects such as the reproductive cycle or the interaction between different species.

And, on the other hand, there are the rights violated by the contribution to climate change of the gas flares and venting and the affectation of Miwaguno: Right to enjoy a healthy and ecologically balanced environment (Article 14 of the Constitution), because Climate Change breaks the ecological balance; Right to food (Article 13 of the Constitution), because they have lost regular access, quality and quantity of traditional means of food; Right to water (Article 12 of the Constitution), because the times of droughts and floods are increasingly extreme and unpredictable, which limits access, quality, quantity and availability of it; Right to health (article 32 of the Constitution), because the lack of food affects their health and also because they have lost access to their traditional medicines; Right to territory (article 57 of the Constitution), because their capacity to enjoy natural resources has been limited and because of the obsolescence of ancestral diversity management practices; Right to life (article 66 of the Constitution), because their existence is threatened, and to a dignified life, because they lack the minimum conditions to continue with their life projects. In addition, the violation of the Right to Nature (Article 71 of the Constitution) is alleged, caused by the alteration of the carbon cycle caused by the burning of GHGs⁷⁷.

iii. Methodology

The information in this case was collected by Acción Ecológica. It was based on secondary information, mainly on the lawsuit that the Miwaguno community filed against the Ecuadorian state. The primary sources for this process are the testimonies of the elders of the community.

⁷⁵Prieto Julio, 2013. "Rights of Nature, Foundations, Content and Jurisdictional Enforceability". Centro de Estudios de la Corte Constitucional del Ecuador.

Bowman, William D., Hacker, Sally D., Cain, Michael L. (2017) Ecology. Fourth edition. Sunderland, Massachusetts: Sinauer Associates, Inc.

⁷⁶Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, 15 January 2009, UN Doc A/HRC/10/61, para. 51.

⁷⁷<https://www.expreso.ec/actualidad/comunidad-miwaguno-demandapetrolera-china-cambio-climatico-95128.html>

20. Tarapoa Block, Ecuador

Summary case information

Location: Communities in the Waiya river basin.

Responsible company: Andes Petroleum, a consortium formed by the Chinese companies China National Petroleum Corporation (CNPC) and China Petrochemical Corporation (SINOPEC).

Sector: Hydrocarbons.

Project Status: Hydrocarbon exploitation in the Tarapoa Block (WBT).

Population or groups affected: Indigenous people of the Siekopai, Siona and Kichwa Nationality.

Impacted natural environment: The area under investigation covers more than 8,000 hectares of primary forest located on the northeast side of the Aguarico River, in the Siona/Siekopai ancestral territory. The platforms are located in the centre of the territory, near the Waiya (TSW-A) and Pocoya/ AriPocoya (TSW-E) rivers, with access roads crossing the territory to the platforms.

Main violations of HRs: Right to a healthy environment, Right to health, Right to water, Right to food, Right to territory, Right to life.

Organisation responsible for the case file: Alianza por los Derechos Humanos Ecuador (Amazon Frontlines).

i. Description of the project

The Tarapoa block has the largest private crude oil production in Ecuador with around 28% in 2015⁷⁸. Nationally it represents 6.2% of the country's total production. Between 2014 and 2016 the company executed exploration activities in the western sector of the Tarapoa Block (WBT) and the construction of six platforms, access roads and the drilling of 18 exploratory wells in the province of Sucumbíos. In May 2017, Siekopai indigenous community monitors denounced contamination of water sources, the presence of hydrocarbon stains, foam, oil, strong chemical smells and high water turbidity. In other areas, indigenous communities denounced that the oil company Andes Petroleum is building a toxic waste cemetery without socialising the environmental impact studies and without having an environmental licence.

The project affects the indigenous communities: 500 inhabitants of the communities of Paz y Bien, 200 inhabitants of the community La Libertad, 500 inhabitants of the community Jesús del Gran Poder, 500 inhabitants of the community Poza Honda and 500 inhabitants of Nueva Santana.

ii. Main rights violated

Violation of the right to water and food: The name of the estuary AriPokoya means "small white waters" the colour given by the presence of a type of high quality white clay and which represents the only estuary that the community frequently visits to dig clay for traditional pottery making. It also shelters several species of sardines that provide a culturally important food source for members of the Wa'iyá community. The Siona and Siekopai nationalities depend on the estuary as one of their main sources of water and food. The construction of canals around the TSW-E platform has resulted in the accumulation of water not only with signs of pollution, but also with high turbidity. The increased turbidity caused by the works has changed the amount of light entering the water, lowering the level of nutrients, the productivity of the aquatic ecosystem and the variety of species present in the impacted area.

⁷⁸<http://repositorio.puce.edu.ec/bitstream/handle/22000/14067/DISERTACI%c3%93N%20CONTRATACI%c3%93N%20PETROLERA%20Jasmine%20Bilbao.pdf?sequence=1&isAllowed=y>

Violation of the right to consultation and participation: The Sotosiaya and Waiya communities have denounced that the construction of the TSW-E platform through which the company dug deep canals was carried out without prior consultation with the communities and that it was neither contemplated nor socialised in the Environmental Impact Study. This work had considerable impacts on the hydrography of the area, because the diversion of water from the AriPocoya estuary, a tributary of the Pocoya River and the Waiya River, caused the estuary to dry up almost completely. During several tours, at different times of the year (mainly in the months of October, November and December 2017), the monitors have observed a significant accumulation of water in the canals, while a total or almost total drought of the natural estuary. The company refused to allow the community monitors to enter the project area on 7 August 2017, despite the fact that the community has observed the release of liquids with whitish foam and a foul smell in the AriPokoya estuary. In this area, sediment and putrid-smelling water is observed. This estuary and rivers are frequently used by the community for personal hygiene, drinking, recreation and fishing. However, since the start of drilling activities for the TSW-E platform, the community has been prevented from carrying out these activities.

Right to a healthy environment: In October 2017, the Chinese oil company ANDES PETROLEUM carried out the construction of a toxic waste graveyard of at least 30 pools of perforation of at least 30 pools without an Environmental Impact Study or Environmental License. The work is being built 500 metres from the Dr. Cesar Borja Lavayen Educational Centre, 800 metres from the Drinking Water Treatment Plant and 300 metres from several water tributaries that feed the Waiya (Libertad) river, which serve as sources of water for human consumption and sanitation for peasant and indigenous Sionas and Secoyas communities; as well as being the supply area for fish such as bocachico, carachamas, mullets, viejas, among others.

iii. Methodology

The information in this case was collected by Amazon Frontlines. It was based on secondary information and complaints from local communities.

<http://agenciaecologista.info/wp-content/uploads/2017/10/DENUNCIA-PUBLICA-1-ANDES-PETROLEUM-VIOLA-DERECHOS-HUMANOS.pdf>

21. Oil blocks and 83, Ecuador

Summary case information

Location: Territories of the Sapara, Kichwa and Shiwiari nations, Pastaza province, Ecuador.

Chinese company: Andes Petroleum, a consortium formed by China National Petroleum Corporation (CNPC) and China Petrochemical Corporation (SINOPEC).

Sector: Hydrocarbons.

Project Status: Exploration phase.

Population or groups affected: Indigenous people, women.

Main violations of HRs: Right to consultation.

Impacted natural environment: National park.

Organisation responsible for the case file: Alianza por los Derechos Humanos Ecuador

i. Description of the project

In 2016, the Ecuadorian government signed a contract with the Chinese company Andes Petroleum for the exploration and exploitation of blocks 79 and 83, located in the Yasuní National Park, one of the most biodiverse areas in the world. These blocks are located in the territories of the Kichwa, Shiwiari and Sapara⁷⁹ nations. In addition, indigenous people in voluntary isolation of the Tagaeri Taromenane nation, especially the Chuchiyaku group, live on the hectares granted for the project⁸⁰. It is worth noting that in 2001 UNESCO recognised the Sápara oral tradition as oral and intangible cultural heritage of humanity⁸¹, as there are currently around 600 people belonging to this nationality and only 5 members speak fluent Sápara, so that oil exploitation in Block 83, This is why the Sápara nation, together with other nationalities affected by oil activities, have repeatedly expressed their opposition to oil exploitation in their territories⁸²⁸³.

ii. Main rights violated

Violation of the right to consultation: In February 2012, the Achuar Nationality of Ecuador (NAE), the Shiwiari Nationality of Ecuador (NASHIE), the Sapara Nation of Ecuador (NASE), the Shuar Nation of Ecuador (NASHE), the Ancestral People of Huito, the Kichwa People of Sarayaku, the Association of Waorani Women of Ecuador (AMWAE), the Federation

Interprovincial Federation of Shuar Centres (FICSH), the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE), the Confederation of Indigenous Nationalities of Ecuador (CONAIE) issued a joint resolution on the Ecuadorian government's intention to initiate the bidding process for the south-eastern oil fields of the XI Oil Round 2012-2013. In the resolution, the indigenous organisations demand that "the proposal of the Indigenous Nationalities of Orellana, Pastaza and Morona Santiago for a moratorium in perpetuity on oil activity in our territories, respecting our cosmovision, our collective rights and the rights of nature, be respected". Despite the fact that ten indigenous organisations explicitly stated that they did not want oil activities in their territories, the Ecuadorian government continued with the bidding process. In April 2012, the Ministry of Non-Renewable Natural Resources even announced that a prior consultation process would be carried out in indigenous communities between May and October of that year. Later, in

⁷⁹<https://grefi.info/wp-content/uploads/2017/02/INVERSIONES-CHINAS-EN-ECUADOR-CDES-2.pdf>

⁸⁰<https://www.labarraespaciadora.com/medio-ambiente/bloquespetroleros-en-la-amazonia-y-nueva-demanda-contra-el-estado/>

⁸¹<https://www.naku.com.ec/historia>

⁸²<http://agenciaecologista.info/2020/11/04/los-sapara-no-queremospetroleras-en-el-territorio/>

⁸³<https://www.pachamama.org.ec/wp-content/uploads/2019/06/La-Cultura-Sapara-en-Peligro.pdf>

July 2012, the executive enacted Executive Decree 1247 called "Regulations for the execution of free and informed prior consultation in the bidding and allocation processes for hydrocarbon areas and blocks"⁸⁴, which was carried out without the participation of indigenous communities. A detailed report prepared by civil society⁸⁵ organisations explains the shortcomings of this consultation, which was supposedly carried out by the Hydrocarbons Secretariat (SHE), took six months and did not include all the indigenous communities affected by the oil projects. The report concludes that the consultation process only covered 7% of the affected population, which corresponds to 39% of the total number of communities in the area of influence of the 11th Oil Round. The president of the Sápara Nation of Ecuador (NASE) denounced in November 2020 that they are receiving pressure from the Ministry of Energy and the Chinese company to resume exploration activities in Block 83. In the face of this pressure, the leaders of the NASE again made it clear that the decision of their nationality is not to allow oil exploitation in their territory⁸⁶.

iii. Methodology

The information in this case was collected by Amazon Watch. It was based on reports from civil society organisations <https://www.pachamama.org.ec/wp-content/uploads/2019/06/La-Cultura-Sapara-en-Peligro.pdf>

and on the direct testimonies of local communities <https://www.naku.com.ec/historia>
<http://agenciaecologista.info/2020/11/04/los-sapara-no-queremos-petroleras-en-el-territorio/>

22. Expansion of the port of São Luís, Brazil

Summary case information

Location: Cajueiro Community, San Luís, Marañon, Brazil.

Chinese company: China Communications Construction Company (CCCC).

Financiers: Industrial and Commercial Bank of China.

Sector: Infrastructure (port).

Project Status: Obtained environmental licenses from the Marañon State Government and commenced eviction of residents, deforestation and land movement. In August 2021 CCCC announced its exit from the sale of its investments in the port. This information is not yet confirmed.

Affected population or groups: Peasants, artisanal fishermen, shellfish farmers, family farmers, babassu coconut breakers, traditional community, quilombolas (Afro-descendants).

Main violations of HRs: Right to land and territory, Right to mobility, Right to a healthy environment, Right to justice.

Impacted natural environment: Ramsar Site - APA das Reentrâncias Maranhenses.

Organisation responsible for the case file: Desenvolvimento, Modernidade e Meio Ambiente.

⁸⁴https://observatoriop10.cepal.org/sites/default/files/documents/decreto_ecuador.pdf

⁸⁵<https://www.pachamama.org.ec/wp-content/uploads/2019/06/La-Cultura-Sapara-en-Peligro.pdf>

⁸⁶<https://www.eluniverso.com/noticias/2020/11/04/nota/8037187/indigenas-saparas-petroleo-protesta-noviembre-2020/>

(GEDMMA).

i. Description of the project

The project consists of the construction of a large port for the transport of grains, minerals, fertilisers and oil derivatives, at an estimated cost of USD 2 billion. 2000 million. This terminal foresees the operation of four cargo terminals and the handling of up to 400 ships per year, occupying an area of 338 hectares, of which 200 hectares are part of the Cajueiro territory and the remaining 138 hectares are water mirror (infrastructure for anchoring ships). This set of ports is intended to guarantee the exit of agricultural and mineral products from the Cerrado and the Brazilian Amazon. It is located on the shores of São Marcos Bay, in a vast area of mangroves (an ecosystem subject to the regime of permanent conservation areas according to Brazilian environmental legislation), where local and migratory birds and marine species breed, some at risk of extinction, such as the maned bird and the marine manatee. It is part of the Ramsar site - APA das Reentrâncias Maranhenses. The community of Cajueiro is a complex of 5 localities (Cajueiro, Guarimanduba, Morro do Egito, Sol Nascente Andirobal and Parnauçu) totalling about 2,500 people. Initially, the project acted directly in Parnauçu, where it has caused the forced displacement of approximately 70 families or around 350 people. But it has put at risk around 2,150 more people who could be displaced or affected. In addition, the beaches of Cajueiro are used as fishing grounds by neighbouring communities, such as Mãe Chica and Vila Maranhão, which could lose one of their sources of income.

ii. Main rights violated

Violation of the right to land and territory: The project has violated the right to land and territory of the families of the Cajueiro community, who have been violently expropriated from their homes where they carried out subsistence farming activities. TUP Porto São Luís SA presented a fraudulent title of acquisition of public land within the territory of Cajueiro for the construction of the private port in question, an area that 21 years ago was granted by the government for the establishment of a rural settlement still in the process of regularisation. As a result, TUP Porto São Luís SA also violates the right to traditional land tenure by subjecting the community to a constant threat of forced eviction. In December 2014, 21 families suffered the destruction of their homes and the irregular seizure of territories by the company. Between 2014 and 2019, 30 families were displaced from the territory through individual and irregular negotiations. In September 2019, the dwellings of 21 families were destroyed along with the houses, gardens, orchards and productive backyards were destroyed. On the same day, physical and psychological violence occurred during a peaceful demonstration in front of the State Government Palace in defence of the Cajueiro territory. In the eviction of the houses, the police intervened with more than 200 policemen and tear gas.

Infringement of the right to mobility: TUP Porto São Luís S.A. restricts the right to mobility of the local population. They installed numerous guardhouses, modified public roads and streets traditionally used by the communities. In 2014, an armed private security company was hired and operated without the authorisation of the Federal Police, threatening the inhabitants of the territory until 2015. There have been reports of women and young people being chased on their daily walk beyond the company's grounds. Women report that they can no longer walk alone, collect coconut babassu and shellfish.

Violation of the right to a healthy environment: The environmental impacts of the project include illegal deforestation, including in areas of collective use. The destruction of mangroves and areas of great ecological importance; the degradation and stranding of perennial water bodies, the most affected being Igarapé Mata Fome, where there is an archaeological site, and Igarapé do Camarão, both of which are extremely important for guaranteeing the food and nutritional security of the families; the degradation of the quality of fresh, brackish and salt water; a reduction in the quantity of water in rivers and streams; the destruction of native vegetation, including of importance for agro-extractive economic activities, such as native palm trees; losses to several species of fish, the

basis of food and the local economy; and; air pollution from dust generated by deforestation and earthmoving works.

Violation of the right to justice: Between 2014 and 2016, the affected communities filed 13 lawsuits against the company that intends to build the Port and, in some of them, also against the State of Maranhão. Several lawsuits were favourable to the community in the first instance. However, the company systematically appealed the decision in the second instance, the Court of Justice of Maranhão, and obtained a favourable decision. In November 2017, the Maranhão State Public Defender's Office sent a letter to the Chinese Banking Regulation Commission denouncing the lack of respect for human rights and the environmental problems surrounding Puerto San Luis. There was no response to this letter and one of the State Public Defenders who signed the letter suffered an administrative complaint from the company and was transferred to another area of the Public Defender's Office, preventing him from acting on the case. In 2017, a complaint was filed with the Brazilian National Human Rights Council (CNDH), which has since followed the case, having sent a mission to Cashew in October 2019 for on-site verification and, in October, forwarded the documentation sent to Chinese government and financial agencies, to the Chinese Embassy in Brazil, in an attempt to mediate dialogue between that embassy and the Cajueiro community. In October 2021, the CNDH issued a report with new recommendations to the government of Maranhão and the TUP company regarding attacks on the human rights of the Cajueiro community.

iii. Methodology

The information in this case was collected by Desenvolvimento, Modernidade e Meio Ambiente (GEDMMA). It was based on secondary information such as the Environmental Impact Assessments (EIA) and Environmental Impact Reports prepared by Suzano Papel e Celulose S.A. in 2011 and by WPR San Luis in June 2014. Information from the written press and testimonies from local communities have also been considered.

23. Balsa wood harvesting, Ecuador

Summary case information

Location: Amazonian provinces of Pastaza, Orellana, Napo, Morona Santiago and the coastal province of Esmeraldas, Ecuador.

Affected population or groups: Achuar Nationality of Ecuador, Sapara Nationality of Ecuador, Shuin Mamus community, Plantabal S.A.

Impacted natural environment: Choco forest. Amazonia.

Main violations of HRs: Right to a healthy environment, right to health, right to food, right to self-determination of indigenous peoples and right to work.

Organisation responsible for the case file: Pachamama Foundation

i. Description of the project

The balsa (*Ochroma pyramidale*) is a typical tree of the tropical forests of South America, which is characterised by the lightest wood known. In Ecuador, it grows wild in the coastal region and in the Amazon. In 2020, demand for balsa in the Ecuadorian Amazon soared because Chinese investors, encouraged by a state subsidy, are demanding it for wind turbine blades. Despite pandemic

restrictions, Ecuadorian balsawood exports exceeded 66% of the country's total forestry exports with USD 570 million.

ii. Main rights violated

Violation of the right to a healthy environment: Illegal loggers have polluted the Pastaza, Capahuari, Bobonazay and El Conambo rivers with sawdust and burnt oil that they dump on the shore. In turn, the felling of the trees has impacts on the conservation of environmental services, the machinery in the mobile sawmills in different locations in the Amazon used to turn the logs into planks, and the engines of the boats used to transport the balsa, cause loud noises that interfere with the ecosystem and frighten the animals. In addition, there is a high potential for trafficking of wild timber species camouflaged with the raft. It is also presumed that as a result of the indiscriminate logging of the naturally formed "balsa islands", floods have been seen near the Bobonaza River, affecting the surrounding communities.

As the material is extracted without forest harvesting guidelines and in an informal manner without necessarily being a crop or plantation, it is difficult to track and quantify the amount of forest that has been felled both to extract the balsa trees and for the construction of informal sawmills. In the Peruvian province of Condorcanqui, Enrique Vera's article for Mongabay, *Frontera caliente: líderes wampís se enfrentan a madereros ecuatorianos para evitar tala indiscriminada de balsa*, reports that around 50 hectares of balsa have been cut down. In Ecuador we know that the number is much higher, just taking into account the amount of balsa retained in 2020, which is equivalent to approximately 6,845 cubic metres according to data from the Environmental Protection Unit (UPMA) of the National Police and El Comercio.

Violation of the right to health: In the Amazonian province of Pastaza, neighbourhood problems have arisen on communal land belonging to the Kichwa Nationality, where everything belongs to everyone and therefore no one asks the neighbour if they can cut down the tree on their farm or agroforestry plots for family food. Finally, he points out that the exploitation of balsa harms the communities through the spread of Covid-19, because the intermediaries tend to come from highly infected coastal areas (Redacción El Mercurio, 2020). Additionally, the balseros, people who do not belong to the communities and who are dedicated to the logging and commercialisation of this wood, do not comply with biosecurity procedures, do not use masks or alcohol, do not comply with minimum biosecurity criteria, and it is known that this has facilitated the spread of infection in areas where there is balsawood activity. The Spanish newspaper *El País* reported that the health emergency linked to Covid-19 has resulted in greater pressures for the indigenous territories in the Ecuadorian Amazon: In the Ecuadorian Amazon, the raft fever, with the arrival of hundreds of loggers for massive logging of this precious Amazonian wood, became the fatal focus of contagion of the coronavirus in the Amazonian indigenous communities. According to this source, in addition to the indiscriminate felling of this valuable wood, other degradation phenomena derived from extractive activities have been observed in the communities; prostitution, alcoholism and social disintegration are proliferating (Andrés Tapia, 2021).

Infringement of the right to food: Both the contamination of water sources and the noise pollution caused by the felling of balsawood represent a threat to the food sources of the Amazonian communities, which depend fundamentally on hunting and fishing. With the noise caused by informal timber traders, animals move further into the forest, reducing the opportunities to hunt them. Also, indiscriminate logging of balsa has displaced subsistence farming practices and land of the communities. In several cases balsawood now replaces species for consumption, threatening local food security.

Infringement of the right to self-determination of indigenous peoples: Amazonian indigenous organisations in Ecuador are trying to restrict entry to their territory to prevent indiscriminate balsa logging. Thus, on 19 February 2021, the Waorani Nationality of Ecuador (NAWE) publicly communicated that in exercise of their right to self-determination and territorial governance, they

had resolved months ago to prohibit the entry of foreigners dedicated to the extraction of balsawood into their territory. In this sense, it requests that the people who have started this activity leave Waorani territory immediately (Nacionalidad Waorani del Ecuador, 2021).

The boom in illegal logging of balsawood has spread to Peruvian territory since July 2020, with Ecuadorian loggers moving to the Peruvian side of the common border to promote the illegal extraction of balsawood in the territories of the Wampis, Awajún and Achuar indigenous peoples or nationalities living in the border area. It is also repeated in other places along the common border.

For Tiya Uyunkar, president of the Achuar Nationality of Ecuador (NAE), the raft traders who enter the territory of his nationality harm the community members. In an interview with the news portal La Historia, he said: "Some communities gave up a whole giant island for a peke-peke (small motor boat). It is a pity. This would mean 3,000, 4,000 trees... in exchange for a simple 900-dollar motor. Ramón del Pino, general manager of Plantabal, the largest producer and exporter of this wood in Ecuador, told La Historia: "Meanwhile, the prices given by these middlemen to the indigenous people in their communities are chaotic and even derisory: from one dollar per tree when the logging fever began to 50 dollars now that they are scarce and the native peoples have learned to negotiate. There were even times when they were sold in lots (the total number of trees on an island) and each one went for 22 cents on the dollar (Aguilar, 2021).

In this regard, the Autonomous Territorial Government of the Wampis Nation (GTANW)⁸⁷ has publicly⁸⁸ denounced the presence between August 2020 and January 2021 of illegal Ecuadorian loggers in its territory, mainly in the communities of the Santiago River basin (province of Condorcanqui, department of Amazonas⁸⁹), through which they move the topa wood to the border with Ecuador. These complaints have been brought to the attention of the Peruvian state bodies responsible for environmental, forestry and border issues¹⁰⁵. However, none of the local, regional or national authorities have taken effective action to prevent illegal logging from continuing to this day.¹⁰⁶ In addition to the environmental problem generated by the logging of balsa and the ecosystem degradation that this causes, warnings have been issued about the risk of expansion of Covid-19 due to the presence of third parties outside the Wampis communities.

Infringement of the right to work: Certified balsawood plantations and agro-industrial plantations have also been attacked by illegal loggers, who come in armed to usurp the material from the haciendas. The manager of Plantabal S.A. claims to lose between 2,000 and 3,000 trees per week in an interview published in Daniela Aguilar's report for La Historia y Connectas entitled *De la selva a la China: La fiebre balseira que pagó 22 centavos de dólar por árbol* (From the jungle to China: The balsa fever that paid 22 cents per tree). On the other hand, there are also precarious working conditions, hiring local people for minimal amounts and in poor and inadequate conditions.

iii. Methodology

⁸⁷ The GTANW was constituted in exercise of the self-determination of the Wampis Nation through a unique process in Peru. The Wampis Nation is geographically located between the Kanús (Santiago) and Kankain (Morona) river basins, covering areas of the Amazon and Loreto regions. It covers an area of 1,327,760 hectares and is home to 22 titled Wampis communities and their respective annexes, with approximately 15,300 inhabitants. For more information see the Location section of the GTANW website, available at <https://nacionwampis.com/> and Surrallés, Alexandre; Riol Gala, Raúl and Garra, Simone. *El pueblo Wampis y su territorio*. Anthropological report, p. 14.

⁸⁸ These denunciations are being carried out by the Wampis Autonomous Territorial Government as the representative government of the Wampis Nation, and several institutions have joined in supporting the GTANW, including Earthrights International, Peru Equidad, Cuencas Sagradas and others.

⁸⁹ Indiscriminate logging by Ecuadorian loggers has entered the Peruvian side through the Wampis communities of the upper basin of the Santiago River: Soledad, Candungos and Papayacu. It is estimated that this illegal activity has spread to 20 Wampis and Awajun communities along the Santiago River. In the Wampis territory, the communities of Papayacu, Candungos, Alianza Progreso and Villa Gonzalo, with their nine annexes, are identified as the most affected; and in Awajún territory, the communities of Yutupis, Belén and San Juan.

The information in this case was collected by the Pachamama Foundation. It was based on independent research carried out by F. Pachamama, secondary information from the written press and testimony from local communities.

24. Chinese fleet fishing in distant waters, Ecuador

Summary case information

Location: Ecuador.

Sector: Fisheries.

Project Status: Operational, i.e. happening regularly.

Affected population or groups: Artisanal fishermen, coastal communities, Afro-descendants, women, animals.

Main violations of HRs: Right to a healthy environment, Right to food.

Impacted natural environment: Zone of direct influence of protected area, Unesco Heritage, Special Economic Zone and Exclusive Economic Zone, contiguous zone and territorial sea zone.

Organisation responsible for the case file: Alianza por los Derechos Humanos de Ecuador

(The Ecuadorian Coordinator of Organisations for the Defence of Nature and the Environment).

Defence of Nature and the Environment -CEDENMA).

i. Description of the project

In recent years, especially in 2017 and 2020, an international fishing fleet of approximately 340 vessels, mainly under the Chinese flag, has been identified hovering around the limits of Ecuador's Exclusive Economic Zone. The characteristics of these vessels is that they use fishing techniques that endanger migratory species protected by the country. In 2017, a boat belonging to this fleet was seized, in which, among other endangered species, a specimen of the whale shark, which is at high risk of extinction, was found. This activity affects people and nature on different levels. First of all, it affects animal species that are protected by many international conventions, especially those species that are protected due to their high migration characteristics. The Chinese fishing fleet directly endangers the environment of environmentally sensitive areas such as the Galapagos Islands and the migratory species that live there, preventing them from following their migratory routes. Secondly, Ecuador's food sovereignty is affected, as the fishing resource is being overexploited, putting at risk the sustainability of this resource and therefore the food supply of Ecuador's population.

ii. Main rights violated

Violation of the right to a healthy environment: Fishing by the Chinese fleet causes a significant decline in marine biomass, putting highly migratory species at risk. Wildlife bycatch in fisheries (both artisanal and industrial) is one of the greatest threats to juvenile and adult marine turtle populations worldwide, including in the Eastern Tropical Pacific region. Bycatch in fishing gear such as trawls, longlines and gillnets, as well as ingestion or entanglement in discarded or lost fishing gear have been cited as major sources of mortality for turtles and other marine wildlife such as sea lions, seabirds, rays, dolphins and whales. Migratory sharks arriving in the Galapagos Marine Reserve (GMR) are also threatened by fishing by this fleet. The islands to the north of the GMR have been defined as the site with the highest shark biomass in the world, with an average of 17.5 tonnes per

hectare⁹⁰. Many of the shark species found in the GMR are highly migratory species that during different parts of their life cycles are distributed in different areas of the Eastern Tropical Pacific (ETP). Fishing by this fleet threatens hammerhead (*Sphyrna lewini*) and tiger shark (*Galeocerdo cuvier*) species. Many seabirds depend on pelagic fisheries for their food, especially red-footed boobies, swallow-tailed gulls, albatrosses and petrels. The Chinese fishing fleet produces a lot of chemical and organic pollution to the water column, which is carried by ocean currents to the coasts of mainland Ecuador and Galapagos. Plastic pollution is just one example of the severity of the problem as it is palpable. The arrival of invasive species, in the cases of ships or in plastic bottles that float for long periods of time in the sea is another cause of alert, as explained in the evaluation carried out by the Charles Darwin Foundation, among the main problems that this generates is the introduction of invasive species in the fragile ecosystem of Galapagos. These are microscopic species that enter to compete in an island ecosystem where they normally have no other predators, and may even outcompete endemic species, causing immeasurable damage to the local ecosystem. Another problem is the introduction of a large amount of plastic rubbish, which later becomes microplastics, which are ingested by the island's species, causing death by chronic malnutrition in these species.

Violation of the right to food: The excessive exploitation of marine species carried out by this Chinese fishing fleet directly affects Ecuador's fish supply and the activity of artisanal fishermen. The population of Ecuador is being affected in the availability and access to food from the sea, increasing malnutrition and hunger. In addition to considering that this fleet does not operate under the rules of closure and restriction by size, gender and species that Ecuador has, generating an imbalance that considerably affects local fisheries, seriously endangering the sustainability of the supply of fish in the country, threatening the food sovereignty of Ecuador.

iii. Methodology

The information on this case was collected by CEDENMA. It was based on CEDENMA's independent research and secondary information from the written press.

25. Yucatan Solar Project, Mexico

Summary case information

Location: In the communities of Cuncunul and Ebtún, municipality of Valladolid, Yucatán.

Chinese companies: JinkoSolar Investment Pte Ltd.

Sector: Energy (solar).

Project Status: Under construction.

Affected population or groups: Mayan indigenous communities of Cuncunul and Ebtún.

Main violations of HRs: Right to free consultation, right to a healthy environment and culture; and due diligence by companies.

Impacted natural environment: Medium subcaducifolia rainforest.

Organisation responsible for the case file: Kanan Human Rights

⁹⁰Salinas-de-Leon, P., Sala, E., Friedlander, A., Rastoin, E., Donovan, M. & Acuña-Marrero, D. (2016). The largest global shark biomass is found in the northern Galapagos Islands of Darwin and Wolf. PeerJ. 4. 10.7717/peerj.1911.

i. Description of the project

It is part of a package of 35 renewable energy projects in the Yucatan peninsula. It consists of a photovoltaic solar park on 246.8 hectares of jungle, classified as private property in the municipality of Valladolid¹⁰⁹. It is the only alternative energy project in which indigenous peoples and human rights defenders have received death threats and harassment⁹¹.

ii. Main rights violated

Violation of the right to consultation: The project was not consulted with the original Mayan communities in the region. The company only held information sessions, but not consultation and consent sessions. Moreover, it has generated social conflicts in the communities, and there have even been repercussions against Mayan environmental defenders who have received death threats for directly opposing the project through legal action⁹².

Violation of the right to a healthy environment: Although the project proposes to supply and sell clean, renewable, photovoltaic solar energy, its location and construction ignores the environmental and cultural context in Yucatan, as it will generate major impacts that could be irreparable for community life. This is because in the area where the project is being developed there is a site called "Múusenche'en", which consists of a cave and a cenote that has been used for ceremonial purposes for more than 2,300 years.

The implementation of the project implies depriving people from the communities that use the site of its ceremonial use. There are also people dedicated to beekeeping, an activity that will be affected by deforestation and rising temperatures.

iii. Methodology

The information in this case was collected by Kanan Derechos Humanos. It was based on official Mexican State reports on environmental studies

<https://apps1.semarnat.gob.mx:8443/dgiraDocs/documentos/yuc/estudios/2016/31YU2016E0036.pdf>

https://transparencia.energia.gob.mx/transparencia_focalizada/archivos/EV_IMP_SOCIAL/Yucat%C3%A1n_Solar_Dictamen_T%C3%A9cnico.pdf <https://www.gob.mx/sener/acciones-y-programas/consulta-previa-sobre-la-construccion-y-operacion-del-proyecto-parque-yucatan-solar-153329>

and in secondary information from the written press <https://www.yucatan.com.mx/yucatan/recibe-amenazas-tras-presentar-amparo-con-tra-el-parque-solar>.

⁹¹YUCATAN DAILY. Receives threats after filing amparo against the solar park the solar park, available at <https://www.yucatan.com.mx/yucatan/recibe-amenazas-tras-presentar-amparo-contra-el-parque-solar> PROCESS. The Indignación team demands an investigation into death threats against defenders of Mayan territory <https://www.proceso.com.mx/nacional/estados/2019/12/17/el-equipo-indignacion-exige-investigar-amenazas-de-muerte-contra-defensores-del-territorio-maya-235983.html>

⁹²Diario de Yucatán, "receives threats after filing amparo against solar park" 10 August 2019, available at: <https://www.yucatan.com.mx/yucatan/recibe-amenazas-tras-presentar-amparo-contra-el-parque-solar> El Universal, "Threaten to kill defender of the Mayan territory in the Yucatán Peninsula" 18 December 2019 <https://www.eluniversal.com.mx/estados/amenazan-defensor-del-territorio-maya-en-peninsula-de-yucatan>

26. First section of the Mayan Train, Mexico

Summary case information

Location: South-southeast, in the states of Chiapas, Tabasco, Campeche, Yucatan and Quintana Roo, in Mexico.

Chinese companies: China Communications Construction Company.

Sector: Transport (rail).

Project Status: Under construction.

Population or groups affected: Indigenous peoples and peasants.

Main violations of HRs: Right to consultation, Right to a healthy environment, Right to access to information, Right to public participation, Right to housing.

Impacted natural environment: The State Reserves of Balam

Kin and Balam Kú State Reserves (Campeche); the Palenque National Park (Chiapas); the Protected Areas of the Cañón del Usumacinta (Chiapas); Yum Balam, Manglares de Nichupté and Uaymil (Quintana Roo); the Biosphere Reserves of Sian Ka'an (Quintana Roo), Los Petenes and Calakmul (Campeche), the latter recognised as a Mixed World Heritage Site.

Organisation responsible for the case file: Kanan Human Rights

i. Description of the project

The Mayan Train is the Mexican federal government's major public investment, consisting of 1,554 kilometres of railroad tracks that will cross five states in the south-southeast of the country: Chiapas, Tabasco, Campeche, Yucatán and Quintana Roo⁹³. It will serve to link a complex of extractive industries⁹⁴, development poles along a corridor inhabited by hundreds of indigenous communities and very important ecosystems⁹⁵.

In a 1 km strip on both sides of the road, the National Institute of Indigenous Peoples (INPI) registers 197 indigenous localities and a total of 143,866 indigenous people counting those in localities with a dispersed indigenous presence. Within a radius of 10 km with the Valladolid-Cobá-Tulum route, the figure for the indigenous population increases to 665,556 indigenous people in 1,298 localities, 874 of which are indigenous people who will be affected by the construction and operation of the train. With the Valladolid-Cobá-Tulum line, there are 620,919 indigenous inhabitants in 1,147 localities, of which 834 are indigenous⁹⁶. Among the indigenous peoples are the Mayas, Tsotsiles, Tzeltal and Choles, who are distributed throughout the states covered by the project.

ii. Main rights violated

Violation of the right to consultation: The Mexican state carried out a prior consultation that was considered deficient by indigenous organisations and international human rights bodies. Between 15

⁹³Ministry of Tourism and National Tourism Development Fund.

Retrieved 25 November 2020. Available at: <https://www.trenmaya.gob.mx>

⁹⁴Flores Adrián and Deniau Yannick. The megaproject for the Yucatan Peninsula. Geocomunes and Consejo Civil Mexicano de Silvicultura Sostenible. 2019. Available at: http://geocomunes.org/Analisis_PDF/AnalisisGeneralYucatan.pdf. See also: PODER. The Mayan Train and extractives. Retrieved 27 November 2020. Available at: <https://tbtm.poderlatam.org/duenos-de-las-vias/?iframe#slide-1>

⁹⁵Clavijo Florez Isabel and Daniel Castrejón. Analysis of the protection and guarantee of the Human Right to a Healthy Environment in the southeast region of Mexico. Observations presented in the framework of the public consultation of the Environmental Impact Assessment of the Tren Maya Phase 1 project. PODER. 30 June 2020. Available at: https://poderlatam.org/wp-content/uploads/2020/11/Observaciones-MIATM_PODER-enviado-a-Semarnat.pdf

⁹⁶Conacyt. Mayan territories in the path of the train: current situation and foreseeable risks. Group set up by CONACYT to analyse risks in the territories where the Mayan Train is planned (GCTTM). Available at <https://www.ccmss.org.mx/wp-content/uploads/>

November and 15 December 2019, regional assemblies were held in different indigenous towns and communities through which the train will pass. The opinions of the communities were not taken into account by the authorities to define the schedule of the hearings, which were conducted in a language different from the one spoken by the communities. The authorities only presented the benefits of the project, limited to the train tracks⁹⁷. These observations were noted by the Office of the United Nations High Commissioner for Human Rights in Mexico⁹⁸. The project was not properly socialised and was characterised by the lack of information in the feasibility, operation and profitability studies⁹⁹.

Violation of the right to a healthy environment: The project will have a negative impact on the environmental services provided by the ecosystems that will be affected, highlighting the possible negative effects on the most important groundwater recharge areas of the Peninsula: (i) the ring of cenotes designated in 2013 as a Geohydrogeological Reserve and (ii) the jungles of the Calakmul region, where harvested waters are transported and accumulated to flow into the main coastal systems of the Yucatan Peninsula and feed six of the nine hydrographic sub-basins of the region. The capacity of these forest ecosystems to capture atmospheric carbon dioxide through photosynthesis, i.e. to be carbon sinks¹⁰⁰, will also be affected. Other effects include Fragmentation of the territory, depletion and contamination of the aquifer, deforestation, extinction of species, generation of waste and noise, all of these effects from its construction to the full implementation of the project, including its cumulative impact.

Violation of the right to housing: There are communities and colonies that are located on the existing train track that connects Yucatan and Campeche. The settlements on the track have existed since before the arrival of the railway. The project proposes the relocation of the population from the existing rails so that they can be used for the project. The people affected are proposing to change the route. Forced evictions are planned, which would deprive people of their homes and livelihoods.

⁹⁷Mexican Civil Council for Sustainable Forestry. <https://www.ccmss.org.mx/consulta-indigena-sobre-el-megaproyecto-tren-maya-incumple-convenio-169-de-la-oit-violaciones-podrian-judicializar/>

⁹⁸UN HUMAN RIGHTS COUNCIL. <https://www.onu.org.mx/el-proceso-de-consulta-indigena-sobre-el-tren-maya-no-ha-cumplido-con-todos-los-estandares-internacionales-de-derechos-humanos-en-la-materia-onu-dh/>

⁹⁹PROCESS <https://www.proceso.com.mx/nacional/2020/3/11/fonatur-reserva-por-cinco-anos-estudios-clave-sobre-el-tren-maya-239757.html>

¹⁰⁰Conacyt. Mayan territories in the path of the train: current situation and foreseeable risks. Group set up by CONACYT to analyse the risks in the territories where the Mayan Train (GC- TTM) is planned. Available at https://www.ccmss.org.mx/wp-content/uploads/Territorios_mayas_en_el_paso_del_tren_Tr.pdf Pág. 12

iii. Methodology

The information in this case was collected by Kanan Human Rights. It was based on civil society reports https://www.ccmss.org.mx/wp-content/uploads/Territorios_mayas_en_el_paso_del_tren_Tr.pdf https://poderlatam.org/wp-content/uploads/2020/11/Observaciones-MIATM_PODER-enviado-a-Semarnat.pdf https://www.cemda.org.mx/postura-del-centro-mexicano-de-derecho-ambiental-respecto-al-proyecto-tren-maya/#_ftn12 documents from the United Nations Office of the High Commissioner for Human Rights, Mexico headquarters <https://www.onu.org.mx/el-proceso-de-consulta-indigena-sobre-el-tren-maya-no-ha-cumplido-con-todos-los-estandares-internacionales-de-derechos-humanos-en-la-materia-onu-dh/> and testimony from local communities¹⁰¹.

¹⁰¹Gantús, Fausta; “Ferrocarril campechano 1900-1913”, Gobierno del Estado de Campeche/Universidad Autónoma de Campeche/Instituto de Cultura de Campeche, Serie Historia, Palo de tinte y Campeche, 1996. Alcalá Ferrández, Carlos. “Cambios demográficos en el estado de Campeche (México). Conflictos, desarrollo y economía, 1846-1910”, Revista de Historia Regional y Local ISSN: 2145-132X [vol 10, No. 20] Julio – diciembre de 2018, pág. 148. Disponible en formato digital a través del enlace: <http://www.scielo.org.co/pdf/histo/v10n20/2145-132X-histo-> . Citado en: CIDE <http://derechoenaccion.cide.edu/reubicacion-o-desalojos-los-peligros-de-desalojos-forzosos-por-el-tren-maya/> ; Animal Político <https://www.animalpolitico.com/2020/09/casas-tren-maya-pobladores-reubicacion/> ; CIDE <http://derechoenaccion.cide.edu/reubicacion-o-desalojo-los-peligros-de-desalojos-forzosos-por-el-tren-maya/>