



Consulta para las Américas
de Pax Christi Internacional



Call to the international community to support communities affected by extractivism in the Americas in their striving for their right to water

Pax Christi International, with its members and partners, listens to the cry of the communities and calls on the international community to firmly respond to the widespread human rights violations caused by extractive companies in the Americas. We wish to draw particular attention to the violations of communities' right to water, as extractive industries—including logging, agribusiness, hydroelectric dams, mining, and oil and natural gas extraction—use and contaminate large quantities of their waters.¹ This deprives communities of access to sufficient and safe water, necessary for daily life but also critical to fight both COVID-19 as well as the climate crisis. In most cases, communities have no access to justice.

Worryingly, the violations of the right to water due to extractivism especially affects vulnerable communities from rural areas in the Americas, Afrodescendants, farmers and Indigenous groups. The Indigenous peoples supported by our partners regard water as a sacred gift and an entity that connects all life and is vital for Mother Earth, which they respect and take care of for future generations. They mobilise against extractive projects in their territories as such projects go against their cosmology.

Extractive activities are detrimental to access to sufficient and safe water across the Americas, which includes some of the most water-rich countries in the world. In the United States access to potable water has been lacking in places like West Virginia and the Navajo Nation due to pollution of water by the extraction of

coal, natural gas, and uranium.² In Canada, for years, the government has failed to protect water from contamination and to respond to water quality problems in the territories of First Nations.³ This persistent problem has been exacerbated by contamination of First Nations' water sources by energy extraction and mining operations.⁴

In Guatemala, the San Miguel Ixtahuacan community is worried about what has happened to their waters since a company running a gold mine was installed and once finished extraction, abandoned their territory: "The Marlin mine company took the gold from our lands. And now our water springs are affected. Our houses are cracked, and we have skin diseases. And now the company has left. They have made good profits from what they took from San Miguel to Canada. And we, we are left with the damage that has been done."⁵ According to research, the Marlin gold mine used 250,000 liters of water per hour, which is equivalent to the amount of water that an Indigenous family in the area uses in a period of 22 years.⁶

In these and similar cases, the impacts of extractive industries on water resources are multiple and often severe. This includes the overexploitation of surface or groundwater sources, pollution, destruction of glaciers, forests, or wetlands. It also extends to issues related to large-scale water transfers, hydroelectric dams to power mining operations and other industries, pollution of land and air, or the effects of extractive activities on local climatic conditions.

¹ Extractive activities also have other harmful effects such as air and soil pollution, health impacts, labour rights violations, generation of socio-environmental conflicts, the destruction of lands and houses and ways of living of communities.

² US Water Alliance/Close Deep, Closing the Water Access Gap in the United States: a National Action Plan, 2019, available at: <https://closethewatergap.org>.

³ HRW, Make it Safe: Canada's Obligation to End the First Nations Water Crisis, 7 June 2016, available at: <https://www.hrw.org/report/2016/06/07/make-it-safe/canadas-obligation-end-first-nations-water-crisis>.

⁴ See this article by David Peerla, Advisor to the Neskantaga First Nation:

<https://theconversation.com/mining-push-continues-despite-water-crisis-in-neskantaga-first-nation-and-ontarios-ring-of-fire-150522>.

⁵ Statement by Crisanta López, Mayan leader of the movement resisting the Marlin gold mine, see the video titled "What the mine has left us":

<https://www.biodiversidadla.org/Multimedia/Video/Video - Guatemala Lo que la mina nos dejó>.

⁶ See the Environmental Justice Atlas website: <https://ejatlas.org/conflict/marlin-guatemala>.

There is a need for more information and scientific monitoring of the impact of extractive projects on the waters of the communities of the Americas.

We support the many protests and other actions taken by diverse communities to call attention to the impacts of extractivism on their waters. It worries us when we hear from members and partners in Latin America that their right to nonviolent protest is being

denied and that water defense actions are criminalised. It is also frustrating that water defenders' ability to exercise their freedom of expression and association is limited because of pandemic measures, while governments in the region continue to promote extractive companies' activities, putting communities in danger of contracting the COVID-19 virus by entering into contact with extractive industry workers.

Recommendations

Governments of the Americas

- ▶ To ensure respect for the right to water⁸ of communities impacted by extractivism by guaranteeing their access to sufficient, safe, acceptable, and physically accessible and affordable water for personal and domestic uses, including through the rehabilitation of their water sources, in accordance with General Comment 15 of the UN Committee on Economic, Social and Cultural Rights.
- ▶ To sign or ratify and implement the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement)⁹ enabling the access to environmental information, public participation in environmental decision-making and access to justice in environmental matters, including the setting up a pollutant release and transfer register covering waters, in line with Advisory Opinion 23 of the Inter-American Court of Human Rights (2017).
- ▶ To carry out human rights impact assessments with respect to the use, care and disposal of water and sanitation¹⁰ in the process of granting licenses for extractive projects, and once operations start to monitor whether human rights standards are fulfilled, and if not, to revoke the license. Such assessments should include, from the design stage and before the exploration stage, consultations with affected communities, while the right to free, prior, and informed consent of Indigenous and Afrodescendant peoples must be respected (ILO Convention 169).
- ▶ To detect and treat the contamination with toxic metals in the human population, livestock, dairy products, fish, farm products caused by extractivism and implement the Minamata Convention¹¹, aimed at ensuring the protection of human health and the environment against anthropogenic emissions and releases of mercury and its compounds, including in waters product of mining.

⁷ Multinationals Observatory, Extractive Industries and the Right to Water: The Responsibility of Multinationals, 13 July 2016, available at: <https://multinationales.org/Extractive-Industries-and-the-Right-to-Water-The-Responsibility-of>.

⁸ Eln 2010, through Resolution 64/292, the UN General Assembly explicitly recognized the human right to water and sanitation. In 2002, the human right to water was also recognized by the UN Committee on Economic, Social and Cultural Rights through General Comments no. 15 on the right to water, 11/2000, available at: <https://www.escr-net.org/resources/general-comment-no-15-right-water>.

⁹ To consult the text, go to: https://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428_en.pdf.

¹⁰ United Nations High Commissioner for Human Right, Report to the 74th session of the UN General Assembly by the UN Special Rapporteur on the human rights to water and sanitation, 2019, A/74/197, available at:

<https://www.ohchr.org/Documents/Issues/Water/HumanRightsandMegaprojectsUserfriendly.pdf>.

¹¹ To consult the text, go to:

<http://www.mercuryconvention.org/Portals/11/documents/Booklets/COP3-version/Minamata-Convention-booklet-Sep2019-EN.pdf>.

- ▶ To stop fracking or hydraulic fracturing methods for oil or gas extraction because of its impacts and risks, such as aquifer contamination, exhausted freshwater supplies, poisoned water sources, agriculture, and livestock. Large methane emissions aggravate the climate crisis and cause health dangers such as cancer and birth defects. In this regard, states must promote alternative sources of energy, with full respect for the rights of local communities, in line with the 2030 Agenda for Sustainable Development.
- ▶ To ensure an inclusive, equitable and gender-based approach in water governance, and to enable affordable access to justice and effective remedies for those affected communities in their right to safe, sufficient water and healthy freshwater eco-systems.

Companies that import raw materials from the nations of America

- ▶ To comply through its policies and activities with the obligation to respect human rights and remedy the damage caused contained in the United Nations (UN) Guiding Principles on Business and Human Rights as well as in the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, which includes the respect for the right to water.
- ▶ To undertake human rights and environmental due diligence to identify actual and potential adverse impacts of company activities compromising community waters; prevent, mitigate, or cease activities causing these adverse impacts; track and monitor the effectiveness of the actions taken; and account for such adverse impacts in their operations, subsidiaries, and business relationships throughout their entire value chains, including compliance with judicial decisions that protect communities.¹²
- ▶ To carry out meaningful and respectful dialogues with communities, considering their cultures and languages, addressing their concerns, and fully respecting their rights and decisions regarding an

extractive project, as the social license is essential. Communities should, if they want to, be involved in remediation efforts, such as by making independent diagnoses and monitoring the cleaning of their waters.

International organisations

- ▶ To take the issue of the right to water of communities affected by extractivism up in upcoming national and international policy processes, such as the decision-making process on the new European Union legislation on mandatory human rights and environmental due diligence for companies, the negotiations on the UN Treaty on Business and Human Rights and the Glasgow 2021 Climate Conference.
- ▶ To support civil society organisations that work with communities in the Americas whose waters are affected by extractivism, including those actions that strengthen the capacities of communities regarding their rights and nonviolent activities for their access to justice, provide them with tools to monitor their waters to make contamination visible and for doing advocacy work for national legislative changes.¹³
- ▶ To fund serious, objective, and independent research, including by public universities, with truthful information on the human rights and real impacts of the extractive industry on the environmental conditions of communities, including on their right to water.
- ▶ To address during meetings on the Sustainable Development Goals (SDGs) and the Paris Climate Agreement that it's not possible to improve the adaptive capacity and resilience of water supply systems as foreseen, if extractive companies continue to take water resources affecting communities' human rights and environmental sustainability.

¹² CIDSE and other CSOs, Putting the Environment in Human Rights and Environmental Due Diligence, May 2021, available at: <https://www.cidse.org/wp-content/uploads/2021/05/Putting-the-Environment-in-Human-Rights-and-Environmental-Due-Diligence2.pdf>

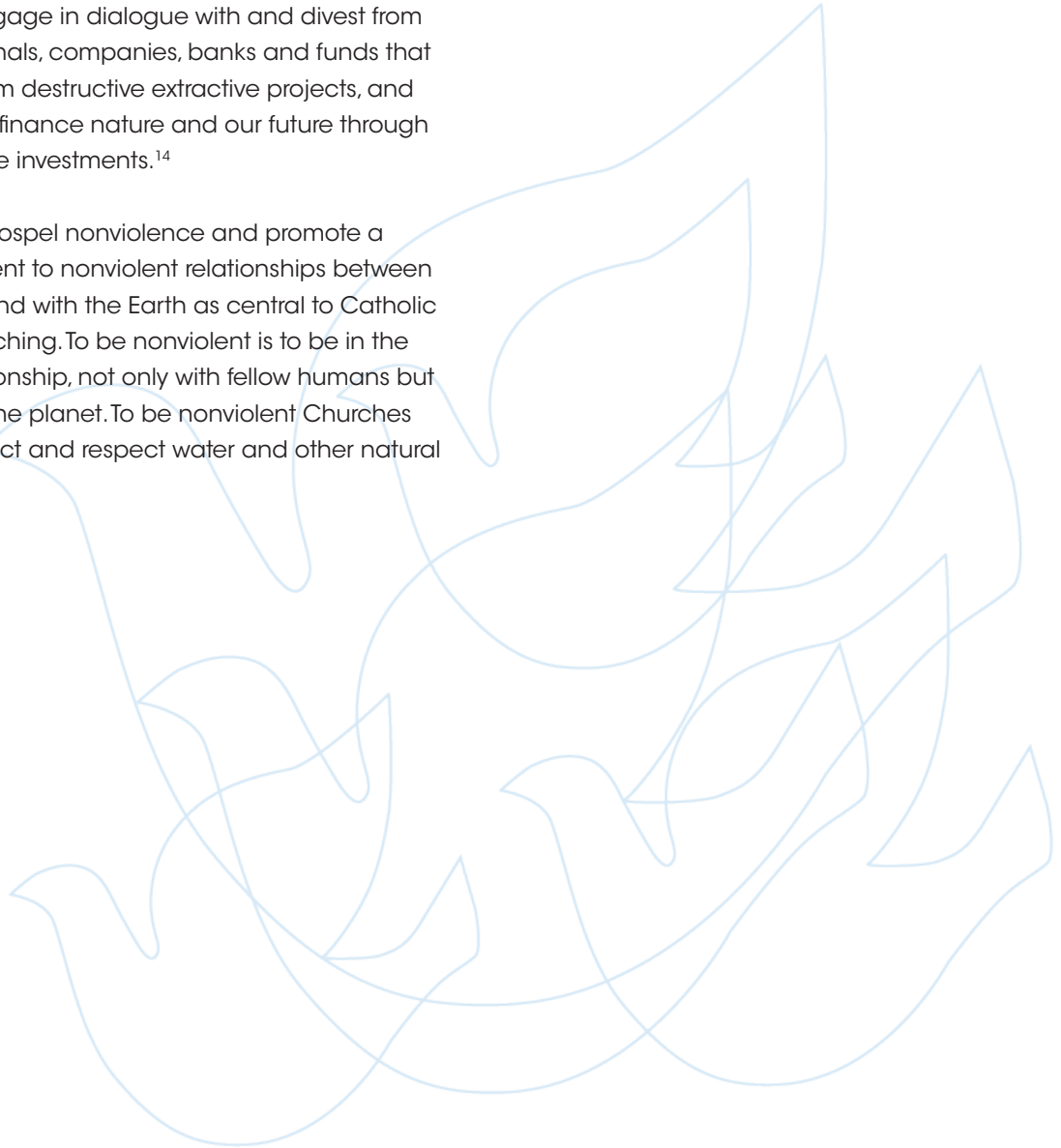
¹³ For example, our member organization SERPAJ-Chile is carrying out advocacy work regarding the country's new Constitution as one of the important issues on the table is the return of water as a public good. The current Constitution allows large companies or mega-farmers to have water rights to the detriment of small farmers and of human consumption. They are involved in a participatory preparation of a report and a bill which can hopefully benefit the communities they work with threatened by extractivism.

Catholic organisations and churches

- ▶ To educate and raise awareness about the current extractivist model throughout the Americas, including its roots in excessive patterns of consumption and its impact on local communities, such as their waters, and on the earth wherever extractive projects are located.
- ▶ To denounce extractive projects that impoverish communities or violate their rights, including the right to water and the right to be consulted, and to engage in dialogue with and divest from multinationals, companies, banks and funds that benefit from destructive extractive projects, and instead to finance nature and our future through sustainable investments.¹⁴
- ▶ To study Gospel nonviolence and promote a commitment to nonviolent relationships between humans and with the Earth as central to Catholic Social Teaching. To be nonviolent is to be in the right relationship, not only with fellow humans but also with the planet. To be nonviolent Churches must protect and respect water and other natural resources.

- ▶ To learn and share about the *Laudato Si'* Encyclical in which access to water for all is mentioned (LS 164), and to participate actively in the *Laudato Si' Action Platform*¹⁵ as a way of caring for our Common Home.

This advocacy statement is issued as part of a Pax Christi International's campaign on the right to water of communities resisting extractivism in the Americas. It was launched together with members and partners during the peace movement's consultation for the Americas on 29 and 30 June 2021.



¹⁴ Pax Christi International as Solidarity Member of the Latin American Churches and Mining Network supports the Campaign to Divest in Mining, see: <https://divestinmining.org>.

¹⁵ See this website for further information: <https://laudatosiactionplatform.org>.

Co-signing members and partners

Comitè JPIC de CICM Province LAC, Haiti
 CE-JILAP, Justice et Paix National, Haiti
 Conferencia de Religiosos de Colombia
 Comisión Justicia, Paz e Integridad de la Creación - JPIC, Colombia
 Red Nacional de Iniciativas por la Paz y Contra la Guerra (REDEPAZ), Colombia
 Corporación Sentipensar - Centro de Pensamiento para el Buen Vivir, Colombia
 Servicio Internacional para la Paz (SIPAZ), Mexico
 Derechos Humanos y Medio Ambiente (DHUMA)/Pax Christi Peru
 Maryknoll Office for Global Concerns, United States
 Columban Center for Advocacy and Outreach, United States
 National Advocacy Center of the Sisters of the Good Shepherd, United States
 Congregation of Our Lady of Charity of the Good Shepherd, US Provinces, United States
 Congregation of Sisters of Bon Secours of Paris, Marriottsville MD, United States
 Pax Christi Toronto, Canada
 Federation of the Sisters of St. Joseph Blue Communities of Canada
 Congrégation de Notre-Dame, Canada
 Institut Notre-Dame du Bon-Conseil de Montréal, Canada
 Sœurs de Sainte-Croix, Canada
 Union canadienne des Ursulines, Canada
 Pax Christi England and Wales, United Kingdom
 Pax Christi France
 Pax Christi Aotearoa New Zealand

