

September 28, 2021

Tania Reneaum Panszi
Executive Secretary
Inter-American Commission on Human Rights
Washington, D.C.

Re: Confirmation of delegation for thematic hearing on “Impact of Extractive Industries on Human Rights and Climate Change in the Caribbean,” October 26, 2021 at 14:00hrs – 181st period of sessions

Esteemed Executive Secretary:

We write to inform you that our delegation for the thematic hearing on the “Impact of Extractive Industries on Human Rights and Climate Change in the Caribbean” will consist of the following individuals:

1. Malene Alleyne, Freedom Imaginaries (Jamaica)
2. Esther Figueroa, Vagabond Media (Jamaica)
3. Samuel Nesner, Former lead organizer, *Kolektif Jistis Min* (Justice in Mining Collective) (Haiti)
4. Gary Aboud, Fishermen and Friends of the Sea (Trinidad and Tobago)
5. Diane Christian-Simmons, Cocorite Fishing Association (Trinidad and Tobago)
6. Kirk Murray, Fire Chief of North Abaco (The Bahamas)
7. Immaculata Casimero, Founder, Wapichan Women’s Movement, South Rupununi (Guyana)
8. Janette Bulkan, Guyanese and Associate Professor, Faculty of Forestry, University of British Columbia (Guyana)

We will require English-Kreyòl Ayisyen translation for this hearing.

Please find enclosed a summary of the main points of our presentation. We are also pleased to submit a video presentation produced by Esther Figueroa on the impact of Jamaica’s Bauxite-Aluminum industry on economic, social, cultural and environmental rights, available here: <https://drive.google.com/file/d/1hN9fp2byuMR4Zr1uvTm3MPSb2nqf7A8Q/view?usp=sharing>.

Sincerely,



Malene Alleyne, LL.B, LL.M



Esther Figueroa, PhD

**Inter-American Commission on Human Rights
Thematic Hearing on the
Impact of Extractive Industries on Human Rights and Climate Change in the Caribbean**

**181st Period of Sessions
October 26, 2021**

Petitioners:

Malene Alleyne (Freedom Imaginaries), Esther Figueroa, and 83 co-signatories

Summary of Submission

The delegation will provide information on the impact of extractive industries on human rights and climate crisis in the Caribbean. We will focus on the economic, social, cultural and environmental (ESCE) rights of women, Indigenous Peoples, Afro-descendants and rural communities in the Caribbean, drawing on examples from the Bauxite-Alumina Industry in Jamaica, the Metal Mining Industry in Guyana and Haiti, and the Fossil Fuel Industry in Guyana and Trinidad and Tobago. We will also present testimony on the catastrophic impact of hurricane Dorian on the Abaco Islands in The Bahamas to illustrate the existential nature of the climate crisis. We will invite the Commission to call upon Caribbean states to advance a rights-based, earth-centered approach to development in the region.

1. Brief Overview of Recent Developments in the Caribbean’s Extractives Sector

A number of Caribbean economies rely on the large-scale extraction of natural bodies—including hydrocarbons (gas and petroleum), metals and minerals (e.g. gold, bauxite, alumina), forest, fishery and agricultural products—primarily for exportation. Small- and medium-scale extraction, particularly gold mining, also plays a major role in some states. In the past few years, there has been an alarming expansion in the nature and intensity of extractive activities in the region. This includes an increase in fossil fuel prospecting and extraction and an expansion of mining activities in ecologically sensitive areas and lands traditionally occupied by Indigenous Peoples and Afro-descendants.

2. The Impact of Extractive Industries on Economic, Social, Cultural and Environmental (ESCE) Rights in the Caribbean

The cumulative environmental degradation caused by centuries of extraction presents existential threats to the enjoyment of human rights, including ESCE rights, in the Caribbean. These threats include: the climate crisis that threatens the life of present and future generations; the destruction of biological diversity; pollution and the contamination of crucial ecosystems; the erosion of food and water security; and the devastation of rural livelihoods and traditional ways of being.

A. The Right to Life, Health and a Healthy Environment

Extractive industries are causing widespread negative environmental and health effects that undermine enjoyment of the right to life, health and a healthy environment in the Caribbean. The most frequently reported impacts include: water, air and soil pollution; exposure to chemical

toxins; deforestation and removal of wild-life habitat, which lead to higher incidents of water borne and zoological transmitted diseases; respiratory illnesses; autoimmune diseases; cancers; gastronomical problems caused by contaminated water and food; and malnutrition caused by food insecurities in areas where people depend on a healthy environment for their food and water.

In **Jamaica**, for example, Esther Figueroa, one of the petitioners, has documented complaints about the negative health impacts of noise and dust pollution from the Bauxite-Alumina Industry, including respiratory symptoms. The contamination of rivers by effluent from the Bauxite-Alumina Industry also remains a long-standing issue, resulting in the mass-killing of several fish species and other marine life, impacting water quality, and dislocating the lives and livelihoods of residents who rely on the river to catch fish and for domestic purposes.

In **Trinidad and Tobago**, Fishermen and Friends of the Sea, one of the petitioners, has documented the serious impacts of oil spills and marine pollution on the environment and marine ecology. In 2017, for example, Tank 70 of the Point a Pierre Tank Farm ruptured due to poor maintenance, leaking 126,000 barrels of crude oil into the Gulf of Paria, which was suspected to have reached all the way to the Caribbean side of Mexico, contaminating countries such as Venezuela and the ABC Dutch Islands. Those responsible for the recorded 377 oil spills between 2016 to 2019 have never been held liable.

In **Guyana**, gold mining takes place in the interior, which is predominantly inhabited by Indigenous communities. Gold mining is causing significant environmental and health concerns, including deforestation, soil degradation, depletion of fish stocks and decrease in wildlife population. The prolific use of mercury by small- and medium-scale mining and the increased levels of mercury in river water are illustrative of the existential nature of the environmental and health threat posed by mining.

B. The Right to Food and Water

In the Caribbean, many people, particularly Indigenous Peoples, Afro-descendent and rural communities, depend economically and for their survival on subsistence agriculture. Moreover, many of these communities do not have access to piped water and thus gather water from streams, harvest rain water from gutters, or purchase bottled water.

In this context, extractive industries, through the destruction of water resources and agricultural lands, are undermining food security, disrupting alternative farming economies, and threatening water supplies, not only through contamination, but also through increased industrial use of water for mining. Extraction-related environmental degradation is making already vulnerable food and water resources even more vulnerable at a time when climate crisis threatens both. This is taking place in the context of a COVID-19 pandemic that is exacerbating poverty across the region.

In **Jamaica**, the over 70-year Bauxite-Alumina Industry has erased entire rural communities and destroyed prime agricultural lands. The industry continues to damage crops on existing farms and contaminate groundwater and rivers, undermining the right to food and water security of Jamaicans.

In **Trinidad and Tobago**, oil spills and marine pollution have a severe impact on the rights to food and water in traditional fishing areas. Seismic surveys have also had a negative impact on fishing communities who report that, during the years after the completion of a seismic survey, there is very little fish in traditional fishing areas.

In northern **Haiti**, where the majority of mining permits are held, most communities are dependent on subsistence farming for food. Communities that have experienced metal mining exploration have reported that these activities have already destroyed their crops. Industrial mining would destroy subsistence agricultural land, exacerbating existing food crises and water scarcity at a time when climate crisis threatens both.

C. The Right to be Free from Forced Displacement

Mining concessions are exposing Caribbean communities to social disruption, dislocation and displacement. This issue has been exacerbated by land grabs by mining companies that have irreversibly disrupted traditional ways of life and land security. In addition, many people in the Caribbean have lived on land without formal title for generations while depending on that land for their livelihoods. Mining heightens their vulnerability to displacement.

D. The Right to Cultural Identity

Extractive industries violate the right to cultural identity because they impose compulsory modernity, through a profit driven, growth dependent, capitalist economic model based on private property and external inputs. This model of social and economic development requires a hegemonic notion of value that is antithetical to other ontologies and cultural identities based on communal shared resources and mutual reciprocity, be they Indigenous, Afro-descended, or Peasant. Localized forms of knowledge, practices and lived heritage are threatened with erasure as people experience the physical destruction of their lands, sacred sites, religious shrines and graves, and the pollution of their water, air and soil.

E. The Rights of Nature

Extractive industries are necessarily ecocidal in ideology and practice, requiring entire forests to be killed, landscapes to be exploded, soil to be dug up, water to be diverted, displaced and extracted, and intact ecosystems altered and laid to waste. Entire species have been made extinct by extractive industries including industrial fisheries. The built environment becomes fixed, and the transformation of the landscape and toxic waste discarded by extractive industries remain for hundreds to hundreds of thousands of years.

3. The Impact of Extractive Industries on the ESCE Rights of Indigenous Peoples, Afro-descendants and Rural Communities

The IACHR has already examined aspects of the human rights impacts of extraction on Indigenous and Tribal Peoples (“ITPs”) in the Caribbean, whose special relationship with the land enjoys special protection under international law. The IACHR is yet to examine the situation of Afro-descended rural communities who do not fall within the protected category of ITPs, but who similarly have a special dependency on and attachment to the land that makes them particularly

vulnerable to extraction-related environmental degradation. These rural communities would fall within the definition of peasant under the UN Declaration on the Rights of Peasants.¹

For all of these communities—Indigenous, Afro-descendant and rural “Peasant” communities—the impact of extractive industries is near apocalyptic given their reliance on the natural environment for physical and cultural survival. Previous sections have already looked at impacts in terms of the impact on the quality of water sources, the degradation of agricultural soils, and alteration of traditional ways of relating to the land. In addition, mining concessions are routinely granted without taking steps to title and demarcate those lands and to ensure that the affected communities could participate in decision-making about those concessions.

In **Guyana**, for example, Indigenous Peoples, experience systemic, specific and every-day violence caused by the ESCE repercussions of gold mining, that include: the damage and destruction of sacred land, water and religious sites; deforestation; water, air, and soil pollution; the imposition of majority cultural, legal and economic systems which diminish their ability to function while erasing their cultural identity; the invasion and settlement of large numbers of outsiders working in or related to extractive industries; new infrastructure and construction; forced labour; sexual trafficking; and other public health issues such as the existential threat of mercury poisoning that is so high in some communities as to be endemic.

In **Jamaica**, Afro-descended rural settlements became the site of bauxite mining and alumina refining, further disenfranchising Afro-descended Caribbean citizens, with forced relocation and loss of land, livelihoods, heritage and African continuities. For example, Gibraltar in St. Ann, a once thriving farming community, is one of the post-emancipation free villages where Afro-descended communities created a unique African diasporic culture, based on mutual aid, subsistence and small farming, and “family land”. Gibraltar, despite its residents fighting for years to stop bauxite mining in their community, is currently being mined under Special Mining Lease (SML) 172, and will be mined under SML 173. It is already a shadow of itself and unrecognizable.

In **Trinidad and Tobago**, oil spills and marine pollution are disrupting the livelihoods of fishers and those who depend on nutrition and livelihoods from rivers, waterways, shorelines and seas.

4. Women and Gendered Impacts

Extractive industries are highly gendered, and for the most part promote masculinist attitudes and behaviours. While the benefits of extractive industry projects are captured primarily by men, women often bear a disproportionate share of social, economic, and environmental risks. The climate crisis presents a salient example of the gendered nature of extraction-related harms. In the Caribbean, poor women in rural areas and single heads of households are particularly vulnerable to the climate crisis. Gendered impacts include increased pressure on women and female headed households to diversify incomes due to crop failure, changes in land use, limited catches from fishing communities and loss of assets and migration combined with increased pressure to

¹ Article 1(1) of the UN Declaration on the Rights of Peasants defines a peasant as “any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land.”

purchase food and increased health expenses. Despite these gendered impacts of the climate crisis, women are underrepresented in decision-making in environmental matters.

5. The Impact of Extractive Industries on the Climate Crisis

There is scientific consensus that dominant modes of extraction emit the greenhouse gasses that are both the cause of anthropogenic climate change and accelerate the climate crisis. The climate crisis disproportionately impacts the small island developing states of the Caribbean given their extreme vulnerability to rising sea levels and weather emergencies of increasing intensity. These states are also highly sensitive to existing environmental stresses that will be exacerbated by climate change, including overstressed water sources, fragile ecosystems, and limited institutional capacity to deal with natural disasters. Extraction is also destroying climate resilient livelihoods and the ecosystems necessary to withstand the impacts of climate change.

The **Abaco Islands in The Bahamas** provide a vivid illustration of the severity of the climate-related natural disasters. Hurricane Dorian, an extremely powerful Category 5 hurricane, struck the Abaco Islands in 2019, resulting in catastrophic damage estimated at billions of dollars. Most structures were flattened or swept to the sea and tens of thousands of people were left homeless. The official death toll stands at over 70, but officials have said that hundreds of undocumented residents may have drowned and been washout out to sea. Two years after hurricane Dorian, the Abaco community is still recovering.

Haiti also provides a vivid example of how physical exposure and socioeconomic conditions, including food and water insecurity, could lead to extreme climate change vulnerability.

Despite this context, **Guyana** has entered into fossil fuel production, raising concerns that this will significantly increase greenhouse gas emissions that contribute to climate change and adversely affect the most vulnerable groups, including women, Indigenous and fishery-dependent communities, and individuals living in poverty.

6. State Responsibility

The expansion of extractive industries in the Caribbean, and human rights abuses associated with extraction, are facilitated by weak environmental laws and non-transparent governance that routinely exclude affected communities from public participation, access to information, and access to remedy. The problem of inequitable and undemocratic governance, when combined with lack of adequate standards greatly advantages extractive industries over ordinary citizens and communities, creating a situation of social inequity and impunity.

7. Requests for the Commission

We ask the Commission to:

1. Reaffirm the right to a healthy environment as an autonomous right and use the Commission's working tools (promotion, monitoring and protection) to protect that right in the Caribbean, including through the precautionary measures mechanism.
2. Develop and promote standards with respect to the rights of Peasants and rural communities.

3. Include the issues raised in this hearing in the final report on the Period of Sessions and issue a press release on the urgent issue of extraction in the Caribbean.

We ask the Commission to call upon Caribbean states to:

1. Take concrete and effective actions to stop activities that aggravate the climate crisis and threaten the effective enjoyment of human rights, such as fossil fuel extraction.
2. Comply with the state obligation of prevention of environmental harm and, in particular, the obligation to regulate, monitor and supervise activities of private entities that could impact the right to a healthy environment.
3. Take specific measures to guarantee access to information in relation to the impacts of extractive industries; ensure public participation in environmental decision-making processes; and provide accessible and effective mechanisms to achieve environmental justice.
4. Ratify and implement treaties that address the right to a healthy environment, including the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, and join initiatives that promote transparency and good governance in the extractives sector.
5. Embed environmental, economic, social, and cultural rights throughout the legal framework, including in the constitution, legislation, policies and programmes.
6. Enact climate legislation that integrates human rights and addresses gender equality.
7. Develop norms, policies and institutions to protect environmental defenders who challenge extractive activities from intimidation, harassment and criminalization.
8. Carry out free prior and informed consultation and consent with respect to any activities that affect the land of Indigenous Peoples and Afro-descendent communities, and in the case of Peasants, at a minimum, guarantee active, free, effective, meaningful and informed participation.