



FILM DISCUSSION GUIDE

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Daughter of the Lake discussion guide

Thank you for agreeing to host a film screening of **Daughter of the Lake**. This documentary depicts the war over water taking place between small communities and large scale mining companies.

Everyday across the globe, people of all genders and all ages speak out in defence of the land and environment. They defend our planet and thanks to their work, we have clean air to breathe and water to drink. But they are under attack. In countries such as Guatemala and Honduras, territory, land and environmental rights defenders (TLERDs) are killed and imprisoned because their activism challenges the politicians and companies that want to control the use of their lands and resources. In many countries around the world, these brave people are being undermined by smear campaigns, government surveillance, unjust imprisonment and forced disappearance. Thousands have been killed.

We must defend the defenders.

The Film: Synopsis



Nelida is an Andean woman living in Peru able to communicate with nature's spirits. She feels she is the daughter of the lakes that provide water to her village.

But just beneath her lakes lies Latin America's largest proposed goldmine, which is valued at billions of US dollars. The Yanacocha mining company has the Peruvian government's support to mine the deposit, even though it means drying out and contaminating the lakes.

Farmers who live downstream oppose the project, because they fear running out of water. It's a life and death struggle. The police have killed five men during the protests and others have been severely beaten and criminalized, including Máxima Acuña. The proposed mine has also pitted those who want mining jobs against those who rely on the land for their livelihoods through farming. Farmers not only have to confront the political and economic powers, but also the people in their own communities who now depend on the small jobs the mine has given them.

When Nelida joins the march from her homeland to Lima, the country's capital, over a thousand kilometers away, she realizes she's not alone. There are thousands of people who want to protect the Andean water sources.

Nelida's story has parallels in Bolivia too, where a group of women live on dried out land. Their water disappeared after years of incessant mining. Then there is Bibi, a Dutch jeweler, who exhibits her pieces on spectacular catwalks in Europe and who decides to visit Peru to discover the origin of the gold she uses.

Back in Peru, again, there is retaliation against the protesters. Marco, an ex-priest and Nelida's mentor, is violently detained by police whilst sitting in a public square, demonstrating peacefully.

The conflict goes on. We see how, in front of 150 police officers about to evict a peaceful protest at the lakes, Nelida grabs a phone and communicates with journalists in the city of Cajamarca. Her determination prevents a brutal attack. But her participation in these demonstrations has consequences: Nelida's father, who works for the mine, loses his job.

But this doesn't soften her determination. She goes back to the lake and prays to the water spirits. She makes them an offering of flowers and the photos of the five farmers killed during this seemingly endless conflict. Finally, Nelida asks her spiritual mother for the strength to keep going in her struggle for justice.

Questions for discussion:

- What impacts do you imagine large-scale mining operations have on Indigenous communities in Central America and elsewhere?
- Why do you think Indigenous peoples need to be genuinely consulted and their consent sought before industrial mining operations are permitted? What insight do you think affected Indigenous peoples have to share regarding potential impacts of these developments?
- Should individuals and communities negatively affected by mining operations be allowed to take legal action in the home country of the mining company? Why or why not? Are Canadian courts open for justice for those seeking to launch cases in Canada?
- What support should Canada provide to human rights defenders in Peru and elsewhere who are targeted and repressed for their peaceful activism?
- What responsibilities do mining companies have for any negative impacts that their operations have on the lives and livelihoods of Indigenous and non-Indigenous communities?
- Do mining companies have different responsibilities throughout the life of the project? For example, does a company bear the same responsibility to a community at the start of a project as it does one year after a project ends? 10 years? Forever?
- What responsibilities do investors, such as Canadian banks or pension funds, have to ensure human rights are protected in mining projects?
- What protections should the Government of Peru offer to activists speaking out on behalf of communities negatively affected by mining company operations? What risks do they run without protection?
- The UN Declaration on the Rights of Indigenous Peoples states that "Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return." How has the obligation of free, prior, and informed consent been applied, or not applied, in the situation described in the film? Who is responsible for implementing it?

How do investors make sure indigenous peoples have given their free, prior, informed consent to a

- resource extraction operation?? If there is no clear answer, should a bank or pension fund be obliged to take this into consideration? Should a company be obliged to prove it has consent and a social license to operate?
- Are women impacted by mining operations in different ways from men? Why? Why are women like Nelida and Maxima central in defending the rights of their communities?

Definitions:

Free, prior and informed consent is the technical term describing the right of Indigenous peoples to make their own decisions on matters crucial to their lives, well-being and survival. The right of free, prior and informed consent is grounded in the universal right of all peoples to self-determination. In the case of Indigenous peoples, it is also a precautionary measure, based on recognition of the long history of harm that has been caused by decisions imposed on Indigenous peoples against their wishes. Free, prior and informed consent or FPIC requires 1) transparent sharing of information so that Indigenous peoples can make the best decisions for their communities; 2) enough time for Indigenous peoples to carefully consider the options based on their own ways of making decisions; and 3) guarantees that they will not be subject intimidation, harassment or retaliation.

Human Rights Due Diligence is an ongoing risk management process that a reasonable and prudent company needs to follow in order to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts. It includes four key steps: assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating how impacts are addressed.

Remedy/Reparations

The right to an effective remedy encompasses equal and effective access to justice; adequate, effective and prompt reparation for harms suffered; and access to relevant information concerning violations and reparation mechanisms. Reparation must seek to remove the consequences of the violation and, as far as possible, restore those who have been affected to the situation that would have been in at the violation not occurred.

Resources

Amnesty International WE DEFEND campaign materials: <http://www.amnesty.ca/wedefend>

UN Declaration on the Rights of Indigenous Peoples:
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

UN Guiding Principles on Business and Human Rights:
http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

PETITIONS

HONDURAS: <http://bit.ly/2feUET8>

GUATEMALA: <http://bit.ly/2wBYsjY>

More details on environmental defender Máxima Acuña

<http://bit.ly/2vHUMSe>

Máxima's story is part of a world-wide pattern of violence and criminalisation against environmental defenders who challenge powerful state and corporate interests. The United Nations Special Rapporteur on Human Rights Defenders has called the level of killings and attacks against these defenders a 'truly global crisis' and noted that in almost every Latin American country, government and corporate actors were involved. In fact, there are currently two lawsuits before Canadian courts against mining companies for their roles in serious human rights abuses at their Guatemalan mines.

In 2011, the UN Human Rights Council adopted the UN Guiding Principles on Business and Human Rights, which lay out the steps companies and States must take to respect human rights in the context of corporate activity. Because the actions of companies can affect nearly all human rights, the Guiding Principles require that companies assess the impact of their operations on human rights. Where companies are found to have harmed human rights, they must provide 'effective remedy' to those harmed. In other words, companies like Yanacocha and its investors must ensure their operations respect the rights of people like Máxima Acuña, her family and affected communities.

Further Information

This documentary depicts the conflict over water taking place between small communities and large scale mining companies.

The main story happens in the Conga Lakes in northern Peru, where Yanacocha- the biggest gold mining company in Latin America- wants to extend its reach to a territory considered sacred by the farmers.

The company plans to drain two lakes in order to extract the gold hidden beneath them. Then it wants to use a third lake as a dumping ground for toxic waste. The company has closed off the roads leading to the area- even though water resources are public- and has started to build a man-made cement reservoir which, it assures, will function the same as a natural lake.

The farmers, already sick of the pollution that the company has caused over the last twenty years, are not buying the company's promises and refuse to allow this project to go ahead. They want the water to irrigate their crops and nourish their cows. "What use is gold to us if you can't drink it!" they say. Until now, five people have been killed in protests against the US-financed Conga mine, Peru's largest foreign investment project (worth an estimated \$4.8 billion). Many others have been wounded, tortured or prosecuted with unfounded charges.

Although there has been a lot of uncertainty over the future since the beginning of the world economic crisis in 2008, the price of gold has nonetheless increased enormously, making it a very profitable investment. The Conga project is owned by Minera Yanacocha S.R.L. (MYSRL). Controlling interest is held by the Newmont Mining Corporation of Colorado (51,35%), with minority shares held by the Peruvian Compañía de Minas Buenaventura (43,65%) and the International Finance Corporation of the World Bank (5%).

Yanacocha initially expected the Conga Project to offset dwindling reserves from a nearby gold mine that the company has operated since 1993. However, since making the investment, the company has faced strong social rejection, that has paralyzed the works. Almost 50 percent of Cajamarca, Nelida's region, has been given in concession to mining companies, including many major headwaters and river sources. Seventy-eight percent of Cajamarca's population is dependent on livestock and agriculture.

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To request the film and for any other details please contact
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