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## **77 Global and National Human Rights and Environmental Groups in Six Countries Expose OceanaGold as an Irresponsible Mining Company and Oppose its Expansion**

We, 77 groups from six countries, stand together against the abusive practices of one of the world's major global mining corporations: OceanaGold. We come together from the six countries where OceanaGold has offices or has current or recent mining operations or explorations: Australia, Canada, Aotearoa New Zealand, the Philippines, the United States, and El Salvador. OceanaGold is headquartered in Brisbane, Australia; is traded on the Toronto stock exchange; and is incorporated in British Columbia, Canada. OceanaGold operates mines in the Philippines, Aotearoa New Zealand, and the United States. The corporation attempted to gain mining concessions in El Salvador before it lost an international tribunal case against El Salvador in 2016, and closed shop in that country following the Salvadoran legislature's unanimous 2017 vote to end all metals mining to save its rivers.

**For this document, we have gathered documents from affected communities alongside detailed studies of the corporation to make an urgent appeal to the governments of the Philippines, Aotearoa New Zealand, El Salvador, the United States, Canada, and Australia:**

- **To halt the company's expansion in Aotearoa New Zealand and the United States;**
- **To shut down the OceanaGold mine in the Philippines and ensure that the affected communities get reparations;**
- **In El Salvador, to uphold this small nation's historic 2017 ban on mining that forced OceanaGold's departure from the country; and to cooperate transparently with efforts within the impacted local community to establish accountability and restitution for both the violence and murders associated with the company's mining project, and for damages that exploratory drillings**

**caused to community water sources; and to release unconditionally the five water defenders arrested on 11 January 2023; and**

- **Canada and Australia must enact mandatory human rights and environmental due diligence legislation.**

We make this urgent appeal in the name of present and future generations and the well-being of our earth and its precious waters. **These documents and studies present a damning case of widespread human rights and environmental abuse, as well as threats to endangered species, conservation lands, watersheds, and Indigenous communities. It is vital for the governments and peoples of all six countries to acknowledge the record of OceanaGold's irresponsibility and abuses across our countries.**

To expand upon this summary, **we groups from these six nations oppose expansion of OceanaGold's mines** for the reasons below, presented country by country:

### **IN AOTEAROA NEW ZEALAND: A danger to conservation land and endangered species**

OceanaGold has proposed a huge mine in the North Island of Aotearoa New Zealand, in an area known as "the Coromandel Range," land that is classified as Conservation Land and noted as being of high biodiversity value. OceanaGold has made this proposal to mine in this area despite the government being clear that it intends to ban mining in land that is held for conservation purposes, and in the face of widespread community opposition.

This area is home to a range of threatened species, including the world's most threatened frog (IUCN Redlist #1 threatened amphibian), the 200 million year old Archey's frog. As part of the documentation OceanaGold has produced to support its expansion proposal, it has cited a pilot study report disputing the numbers of these taonga (treasures). It has been generally accepted for many years that the numbers of Archey's frogs range from 5,000 to 20,000. These creatures are tiny, silent and masters at camouflage, and are found in only 3 places in the country. OceanaGold's report (and website) falsely claim that there are more than [50 million](#) Archey's frogs. This report with this number has been widely questioned, and the author himself has distanced himself from it, refusing to comment further.

Further, OceanaGold's proposed expansion flies in the face of the country's moves to reduce climate emissions and impacts - huge amounts of steel would be required to stabilize the tunnels, in addition to all the concrete, and that does not even consider the electricity and fuels needed to operate. The proposal includes removing up to 30,000 cubic litres of water from one catchment (with some of the area's most pristine waters) and discharging it into another, in a time when all over the world people are recognising that water must be valued and cared for if we are to survive.

Further, the company has purchased arable land, farm land, to create a toxic tailings dump, along with other arable land for 'temporary' rock storage facilities. These toxic dump sites remain with the host communities for generations, who must continue to live with the threat of dam collapse for generations.

OceanaGold already operates a mine directly underneath a township - blasting under residential homes. Affected people and families are unable to speak out against what happens for fear of being unable to access the settlements that “make it ok,” and which they are sworn to silence as in sacrificing their rights to object. In Aotearoa New Zealand, we are privileged in that we can speak out against the mining company (with the exception of those trapped within the mine expansion area - they must not or they will be unable to access the various compensations that OceanaGold give when they have to) without fear for our lives or our families safety, and we acknowledge that this is not the same for all communities in other countries in which OceanaGold operates. We abhor allowing a company with such a dire international record operating in our jurisdiction, despite our government carrying out so-called good character assessments of overseas investors.

### **IN THE PHILIPPINES: Human rights abuses and destruction of fertile lands and rivers**

In the Philippines, OceanaGold mines in the heart of the country’s northern fruit and vegetable lands in an area that is a key water source for other provinces. Oceana Gold Philippines, Inc. (OGPI) has the shameful distinction of being named by the Commission on Human Rights of the Philippines (CHRP) as having abused the rights of mining-affected communities in its mining operations in Barangay Didipio, Kasibu in the province of Nueva Vizcaya. This was the conclusion of a fact-finding investigation by the Commission completed in 2011 which recommended the revocation of OceanaGold’s mining contract.

The provincial and local governments in Nueva Vizcaya also oppose the mining project as it has negatively impacted the water source of communities and farmers. In April 2020, after its first mining permit expired and the Philippine Government was deciding whether or not to approve a second permit, members of local communities set up a blockade to keep OGPI from operating. However, a 100-strong team of police escorted tankers of OceanaGold to enter the mine site. Some 29 members of the Indigenous Tawali people, among those peacefully barricading, were overwhelmed by the large police force and a violent dispersal ensued.

In 2021, the government of then-President Rodrigo Duterte approved OGPI’s new permit, going against the evidence by Philippine and global organizations of the company’s widespread violations of its commitments under its first permit and its documented violations of Philippine laws. The communities from the Tawali ethnic group continue to oppose what they consider as the illegal renewal of the mining contract in 2021, as it threatens their farmlands, their livelihoods, and even their lives. The toxic-filled waste water from OGPI is contained in tailings ponds that risk overflow from typhoons. Climate-related risks of river overflows and increased erosion have been documented in the years since 2019. Moreover, the direct threat to the lives of women and Indigenous community leaders are serious as they have faced red-tagging (that is, being termed as members of the communist party) with little or no evidence besides their continued opposition to the Didipio mines of OGPI.

The Nueva Vizcaya provincial government also continues to oppose OceanaGold’s presence in the province, despite the decision of the national government to approve the renewal of the mining contract. As Provincial Governor Carlos Padilla put it: *“My heart bleeds for our brave men and women of Didipio who had to suffer and be arrested for expressing their resistance against mining, a great menace to Mother Earth. I salute them for their bravery*

*and being steadfast for the protection of the environment to insure the survival of all living things and of our planet. Instead of providing protection to OceanaGold whose FTAA had expired nine (9) months ago, the national government should tell OGPI TO PACK UP AND GO HOME.”*

### **IN EL SALVADOR: Unacceptable environmental costs**

OceanaGold’s history of trying to mine in El Salvador provides insight into the lengths that OceanaGold would go in the face of significant opposition from the local population and a majority of the country’s population.

As the price of gold rose in the early 2002, global mining companies became interested in mining the gold in the mountains of northern El Salvador. Among them was Pacific Rim Mining which became a part of OceanaGold in 2013. At the time of the purchase, the company had an exploration license but not a permit to do the actual mining. More specifically, the company’s environmental impact assessment (which the government had sent back to the company for more details) had not been approved. In addition, the company did not have the legally-required consent from all the land-owners in its desired concession area; it lacked 87% of these. Indeed, the mine was opposed by local community groups as early as 2004, by a national coalition starting in 2005, and then by global groups as of 2009 – who rallied around the slogan "Water, not Gold."

Still the company persevered in its attempt to ramrod its way into the country. In 2009, the company that OceanaGold purchased sued the government of El Salvador in the arbitration court of the World Bank Group, arguing that El Salvador had to either allow it to mine or provide financial compensation for “future profits foregone.” In buying this company, OceanaGold was taking a gamble – seemingly confident that it could either convince the government or prevail in the World Bank arbitration venue. OceanaGold representatives met behind-the-scenes with top government officials, offering them various financial incentives to allow mining.

But, to OceanaGold’s surprise, the population and the government remained firmly committed to save its water and not allow metals mining. In October 2016, OceanaGold lost its lawsuit against El Salvador; the three judges all sided with El Salvador in ruling that the company had not met all the requirements for a mining permit. In the wake of that, in March 2017, the pro-water groups in El Salvador, working with allies they had convinced over the years using scientific evidence about impact of mining on water, catalyzed a remarkable unanimous vote in the Salvadoran legislature to ban all metals mining to save its rivers – the first such ban in the world.

However, just like any law, this one can be overturned. Indeed, in 2023, there is evidence that the current Salvadoran government is creating conditions to repeal the law that has kept OceanaGold from mining in this country. This law must be upheld.

### **IN THE UNITED STATES: Repeated violations of toxic emissions standards**

In the United States, OceanaGold mines at the Haile Mine in the state of South Carolina.[1] OceanaGold’s Haile Mine provides ample and shocking evidence of OceanaGold’s persistent pattern of flaunting public health, safety and environmental safeguards.

Consider the company's history of disregard for the state's emissions limits and, by extension, the health and well-being of the local population and the waterways that flow from its site. From 2018 through 2021, OceanaGold exceeded the legally allowable emissions of toxic chemicals -- including mercury, cyanide, thallium (used in the past to make rat poison) and cadmium -- at its Haile Mine on at least four occasions. In just one of these instances, OceanaGold's water-waste discharge exceeded the legally allowable cadmium levels for three consecutive months and the cyanide levels for two months.[2]

Since 2020, the relevant South Carolina agency -- the Department of Health and Environmental Control (DHEC) -- fined OceanaGold at least four times for its violations at its Haile Mine and also for 19 violations found at the adjacent Kershaw Minerals Lab which OceanaGold also owns.

A major South Carolina newspaper, *The Post and Courier*, weighed in against allowing OceanaGold to expand with an editorial entitled "South Carolina's land, water more precious than gold." The article concludes: "The expansion may be worth it to OceanaGold, but not to South Carolinians, who could find themselves stuck with another Superfund site." [3] Any expansion by OceanaGold in South Carolina must be halted.

#### **IN CANADA and AUSTRALIA:**

As stated above, OceanaGold is headquartered in Brisbane, Australia; is traded on the Toronto stock exchange; and is incorporated in British Columbia, Canada. Therefore, in addition to calling for the above four governments to stop or not allow OceanaGold to mine or expand, both of these governments must also take action.

Canada must enact mandatory human rights and environmental due diligence legislation (mHREDD), as proposed by a private member's bill C-262 and supported by a majority of parliamentarians of Canada's international human rights subcommittee. Due diligence legislation requires Canadian companies operating abroad to identify, prevent, mitigate and report on any adverse human rights and environmental impacts caused or contributed to by parent companies and their subsidiaries or other business relations throughout their operations and supply chains. The legislation also creates a cause of action so that anyone who alleges human rights or environmental harm can take civil action before a court in Canada. Several countries in Europe have already enacted or are in the process of developing human rights due diligence legislation.

The Australian Government must take steps to ensure Australian companies meet the same social and environmental standards when operating abroad as they are legally required to meet when operating in Australia. This would include enacting mHREDD legislation similar to that proposed in a Canadian private member's bill C-262.

#### **IN SUM**

In sum, we call on the governments of our six countries to acknowledge the irresponsible activities of OceanaGold around the world, to halt the company's plans to expand its mines or open new mines, and to shut down its mine in the Philippines.

## **Sign-ons to Statement:**

### **Global Groups**

1. Focus on the Global South
2. International Allies - [www.stopesmining.org](http://www.stopesmining.org)
3. International League of Peoples' Struggle (ILPS)
4. Pax Christi International
5. Asia Pacific Network of Environment Defenders (APNED)
6. Asia Pacific Gathering on Human Rights and Extractives (AP Gathering)
7. International People's Conference on Mining (IPCM)

### **Aotearoa New Zealand**

1. Coromandel Watchdog of Hauraki
2. Waikato Environment Centre Trust (Go Eco)
3. Ours Not Mines Ltd
4. Campaign Against Foreign Control of Aotearoa
5. First Union
6. Peace Action Wellington
7. Minewatch Northland

### **Australia**

1. Aid/Watch Australia
2. ILPS Australia
3. Pax Christie, Victoria, Australia
4. Philippines Australia Solidarity Association (PASA)
5. Promotion of Church People's Response (PCPR) Australia
6. MUA Victoria Branch
7. Freedom Socialist Party - Australian Section
8. Australian Coalition for Human Rights in the Philippines
9. Philippines Australia Union Link
10. Australian National Campaign on Mining in the Philippines (ANCoMP)
11. Action for Peace and Development in the Philippines (APDP)
12. Jubilee Australia Research Centre

### **Canada**

1. Beaconsfield Initiative, Montreal Canada
2. Canada-Philippines Solidarity for Human Rights (CPSHR)
3. International Coalition for Human Rights in the Philippines - Canada
4. MiningWatch Canada
5. Maritimes-Guatemala Breaking the Silence Network (BTS)
6. Mining Injustice Solidarity Network (MISN)
7. Comité pour les droits humains en Amérique latine (CDHAL)
8. Rights Action

## **EI Salvador**

1. Central American Alliance on Mining, ACAFREMIN

## **Philippines**

1. Philippine Governor Carlos M. Padilla, Governor of Nueva Vizcaya province
2. Alyansa Tigil Mina (ATM)
3. Center for Environmental Concerns - Philippines Inc.
4. Kalikasan People's Network for the Environment
5. LILAK - Purple ACTION for Indigenous Women (LILAK)
6. Legal Rights and Natural Resources Center (LRC-KSK-FOE Phil)
7. CarCanMadCarLan Baywatch Foundation
8. Koalisyong ng mga Mamayan at Samahan sa Northern Luzon (KuMaSa Na)
9. Didipio Earth Savers Multi-purpose Association (DESAMA)
10. Bileg Dagiti Babbae (BILEG)
11. Risk Taker-AMKKAS
12. ALBUCODA Buguey
13. Maporac Aetas Organization (MAO)
14. Pambansang Kilusan ng mga Samahan sa Kanayunan - Tarlac (PKSK Tarlac)
15. GreenThumb Coalition (GTC)
16. Green Convergence for Safe Food, Healthy Environment and Sustainable Economy
17. Convergence of Initiatives for Environmental Justice (CIEJ)
18. Bayay Sibuyanon, Inc.
19. Bantay Kita - Publish What You Pay Philippines (BK-PWYP Phil)
20. Pambansang Koalisyong ng Kababaihan sa Kanayunan (PKKK)
21. Laudato Si Movement Pilipinas (LSM-Pilipinas)
22. Institute of Spirituality in Asia (ISA)
23. Fellowship for the Care of Creation Association Inc. (FCCAI)
24. Philippine Misereor Partnership Inc. (PMPI)
25. Innabuyog Kalinga
26. Franciscan Sisters of the Immaculate Conception of the Holy Mother of God
27. Save Sierra Madre Network Alliance (SSMNA)
28. IBON Foundation
29. CARES (Community Awareness To Restore Earth System) Eco-Spiritual Center
30. Justice, Peace and Integrity of Creation Commission- Conference of Major Superiors in the Philippines (JPICC- CMSP)
31. Justice Peace and Integrity of Creation - Columban Missionaries
32. Youth Advocates for Climate Action Philippines
33. Saribuhay National
34. Philippine Rural Reconstruction Movement (PRRM)

## **United States**

1. Earthworks
2. Friends of the Earth-US
3. Institute for Policy Studies, Global Economy Program

4. Sisters of Mercy of the Americas – Justice Team
5. Freedom Socialist Party - U.S. Section
6. Institute of Philippine Studies, Human Rights and Sustainability

#### **Asia-Pacific Region:**

1. AidWatch (Australia)
2. Mines, minerals and People (India)

— End-Notes for United States section —

[1] Most of this information is from a 36-page letter regarding OceanaGold's expansion plans for its Haile Mine in the US to Shawn Boone (Project Manager for the US Army Corps of Engineers) and Heather Preston (Water Quality Division Director at the DHEC). The letter is on behalf of the Southern Environmental Law Center (SELC), the Conservation Voters of South Carolina, the South Carolina Coastal Conservation League, and the Winyah Rivers Foundation in a report by lawyers for SELC: Christopher DeScherer et al., "Re: Joint Public Notice for a Permit Modification to Expand the Haile Gold Mine, N SAC-1992-24122," April 23, 2021. We also use newspaper reports in *The State*, a South Carolina, US newspaper.

[2] Source for the second sentence: Sammy Fretwell, "Big mine fined again, this time for toxic discharge violations near SC [South Carolina] town," *The State*, November 9, 2021. <https://www.thestate.com/news/local/environment/article255642286.html>

[3] "South Carolina's land, water more precious than gold," *The Post and Courier*, July 11, 2019. [https://www.postandcourier.com/opinion/editorials/editorial-south-carolina-s-land-water-more-precious-than-gold/article\\_7755ebaa-a29b-11e9-8c5f-eb36167d9232.html](https://www.postandcourier.com/opinion/editorials/editorial-south-carolina-s-land-water-more-precious-than-gold/article_7755ebaa-a29b-11e9-8c5f-eb36167d9232.html)

**RESOURCES:** This is a partial list of the detailed studies on OceanaGold, along with testimonies from the communities where OceanaGold has operated.

Abao, Nonilon (Director / Writer), "Dagami Daytoy (This is Our Land)," Documentary on OceanaGold's abuses and local community resistance (14 mins, 53 secs): <https://e360.yale.edu/features/in-the-philippines-a-community-fights-to-protect-its-ancestral-lands> August 2022.

[AGHAM Technical Report on Mining in Nueva Vizcaya](#) (35 pages): reports scientific findings about the environmental impact of OceanaGold's mine in Didipio and another mining project in the same area. It also reports findings about other impacts, including human rights abuses.

Robin Broad, John Cavanagh, Catherine Coumans, and Rico La Vina, "[OceanaGold in the Philippines: Ten Violations that Should Prompt Its Removal](#)" (34 pages): report by the (US) Institute for Policy Studies and MiningWatch Canada highlighting violations by OceanaGold as reasons OceanaGold should have its mining license revoked. October 2018.



Robin Broad and John Cavanagh, *The Water Defenders: How Ordinary People Saved a Country From Corporate Greed*, Boston: Beacon Press, March 2021.  
<http://www.beacon.org/The-Water-Defenders-P1646.aspx> Available in [Audio](#), and [Kindle](#); [Paperback](#) (2022); [Philippine Edition](#); and [Spanish-language Edition](#) (Grano de Sal, 2022).

Forum-Asia and BALAOD: "[Mining Away Freedoms: Testimonies from Communities Fighting for their Rights in the Philippines](#)". It includes detailed information and testimonies about OceanaGold's activities in Didipio and its impact on community & environment, as well as another mine in the Dinagat Islands. You can also find the Forum-Asia website link to the report here: <https://forum-asia.org/?p=37677>

[Kalikasan Fact Finding Mission report](#) (20 pages): a report by Kalikasan and other Philippine environment groups on the impacts of mining in Nueva Vizcaya. This is a scan of a hardcopy, annotated to highlight the parts that are most pertinent to OceanaGold's mine in Didipio.

Legal Rights and Natural Resources Center (LRC) documentary on OceanaGold's mining operation in the Philippines and its impacts on indigenous communities (10 mins and 37 seconds): [https://www.youtube.com/watch?v=5tzZ\\_gikvZ0&t=1s](https://www.youtube.com/watch?v=5tzZ_gikvZ0&t=1s)

Letter sent to Mick Wilkes, then President and CEO of OceanaGold, under the communications procedure of the Special Procedures of the United Nations Human Rights Council (11 pages), February 13, 2019:  
[https://drive.google.com/file/d/18lQCJ\\_UTx6rCNVOnUQGbrxlG186BWpvZ/view?usp=sharing](https://drive.google.com/file/d/18lQCJ_UTx6rCNVOnUQGbrxlG186BWpvZ/view?usp=sharing)

Lindio-McGovern, Ligaya. (2022), "Corporate Mining, Sustainable Development, and Human Rights of the Indigenous People in the Philippines: Implications for Building Resiliency to the Impacts of Covid-19 Pandemic," *Research in Political Sociology*, Vol. 29, 225-237.

Lindio-McGovern, Ligaya. (2020), "Grassroots-Oriented Research as Political Engagement for Social Justice: Exposing Corporate Mining in Indigenous Contexts in the Philippines," pp. 155-168, in Kapoor, Dip and Steven Jordan (eds.), *Research, Political Engagement and Dispossession: Indigenous, Peasant and Urban Poor Activisms in the Americas and Asia*, London: Zed Books.

Jen Moore, MiningWatch Canada; Robin Broad; John Cavanagh, Institute for Policy Studies (IPS); René Guerra Salazar, SalvAide; Meera Karunanathan, Council on Canadians; Jan Morrill, International Allies/Sister Cities; Manuel Pérez-Rocha, IPS; and Sofía Vergara, Oxfam America;, "Debunking Eight False Claims by Pacific Rim Mining/ OceanaGold in El Salvador," Published jointly by Oxfam US and Oxfam International, Council of Canadians, Institute for Policy Studies, Blue Planet Project/Canada, and Maritime Union Australia, 2014.  
[https://ips-dc.org/debunking\\_eight\\_falsehoods\\_by\\_pacific\\_rim\\_mining/](https://ips-dc.org/debunking_eight_falsehoods_by_pacific_rim_mining/)

Oxfam. "Mining Ombudsman's Case Report: Didipio Gold and Copper Mine," [Oxfam Australia Mining Ombudsman's report](#) (44 pages): describes the OG's activities in Didipio between 1989 and 2007 and the impact of these activities on the community in Didipio. September 2007.

[PASA report on OceanaGold in Didipio](#) (9 pages + cover & references): overview of OceanaGold's involvement in Didipio, resistance by the people of Didipio, and the campaign to stop the mine.

Republic of the Philippines, [Philippine Commission on Human Rights Resolution 2011-004](#) (19 pages): documents human rights abuses committed by OceanaGold and makes recommendations.

Solidarity Statement on violent dispersal of indigenous community barricade of OceanaGold suspended mine site in Nueva Vizcaya, Philippines:

<https://www.lrcksk.org/post/solidarity-statement-didipio-nueva-vizcaya-philippines> 2020.

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