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Dawn Hoogeveen

Intimate Geographies of NAFTA and Canadian Mining in Mexico

In November 2009, anti-mining activist Mariano Abarca Roblero was murdered outside his home in Chicomuselo, Chiapas because of his vocal opposition to a Canadian mine. The barite mine owned by Calgary-based Blackfire Exploration, named "Payback," had been open for two years. A few weeks after Abarca's death, the mine was closed, reportedly due to environmental violations, including its significant impact on the local watershed.¹ Indeed, the environmental impact of the mine was one of the reasons activists such as Abarca were protesting it in the first place.

Just a few weeks after the murder of Abarca, Canada's Governor General Mich elle Jean was in Mexico on a state visit. Angry protesters all too aware of the impact of Canadian mining in their country shouted at Jean, yelling "Canada, get out!"² Canadian mining has resulted in the murder of activists, env Blackfire barite mine, local community members have noted significant environmental effects, including soil erosion, water contamination, and the loss of fish and cattle,³ and the material impact of mining operations is often social conflict and

community upheaval. To complicate things further, divisions within communities over mining are exacerbated by state mechanisms, such as multi-lateral trade agreements, which have eroded existing property regimes.

In this piece, I explore how foreign mining in Mexico is redefining such property regimes, and how this is tightly bound to corporate control, which, I argue, is intimately connected to lived experiences, bodies, and landscapes. I relocate the intimacies involved in capital accumulation, alongside the dispossession of land; in particular, Canadian mining constitutes memories and meanings that in the case of Blackfire exploration were brutally written onto Abarca's body.

Jennifer Moore and Gillian Colgrove's 2013 report, entitled *Corruption, Murder and Canadian Mining in Mexico: The Case of Blackfire Exploration and the Canadian Embassy*, clearly connects the Blackfire Exploration mining company to Canadian Embassy involvement at the Payback mine. Here I build on Moore and Colgrove's work to describe how Canada is involved in human rights violations, as well as the murder of Abarca. This involvement primarily takes the form of a lack of corporate accountability, as well as direct economic and legal tools exercised within Canadian federal networks. As Moore and Colgrove state, "the [Canadian] Embassy missed key opportunities to positively influence the behaviour of Blackfire exploration during an escalating conflict that ultimately cost the life of a man who was at once a community organizer, local business man, father, and brother."⁴

The Millennial Gold Rush

Canada is a major player in the global mining industry. Almost 60 percent of the world's mining companies are registered on the Toronto Stock Exchange, and more than 75 percent of mining exploration firms are located or registered in Canada. Given these figures, it is no surprise that roughly 75 percent of the mineral extraction companies in Mexico are



Detonation of Cerro de San Pedro, Photo: Daviken Studnicki-Gizbert

Canadian, largely based out of Vancouver and Toronto. All of this investment is subject to one major regulatory glitch: Corporate Social Responsibility (CSR) initiatives that exist to govern Canadian extractive companies overseas remain voluntary. In other words, there are no legal incentives binding Canadian companies to environmental or human rights codes when operating overseas. Moreover, Canada's international governance climate is becoming increasingly neoliberal with the dramatic increase in Canada's mining investments abroad over the past few decades. The Canadian federal Conservative government has made recent moves to embed their CSR institutes and corporate bodies within academic institutions, funding a 25-million-dollar Canadian International Institute for Extractive Industries at two prominent universities. This has coincided with state funded federal public-private partnership initiatives coupling mining companies with non-governmental organizations. Voluntary corporate accountability strategies are exacerbated by tax regimes designed to primarily facilitate smooth transactions for investors. Canada has thus been criticized for being a legal haven for

extractive companies.⁵ This political economic backdrop makes it crucial to understand the Canadian mining industry and its impact on the lives and landscapes outside of Toronto and Vancouver.

The history of foreign mineral exploration and extraction in the Americas began well before the signing of NAFTA and contemporary mining in Mexico, as Eurocentric narratives describe a colonial approach to resources beginning in the Spanish conquest of the fifteenth and sixteenth centuries. These tales of European exploration construct a Western history centred around the search for resources and contested stories of domination. Eduardo Galeano famously describes this Eurocentric domination in *The Open Veins of Latin America*, outlining how gold, silver, and sugar operated in the service of the European market, and argues that the colonial system produced bountiful wealth precisely because of domination.⁷ This relation of conquest and mining began the normalization of colonial encounters, which continues today.

Colonial contact premised on the search for resources began in South America and travelled through Mexico and later, up the Pacific coast to North America. Historian Daviken Studnicki-



Daviken Studnicki-Gizbert

Gizbert describes the "new" contemporary colonial gold rush as a Canadian rush in the Americas, and particularly significant in Mexico.⁸ The geography of this rush has created a loop effect; Imperial Canadian resource companies have now circled back to South and Central America from Vancouver and Toronto. In other words, written and unwritten laws that govern mining and markets first migrated with the colonial search for minerals from Europe to the Americas, north through California to the Klondike in Canada. Colonial mining power has now headed back down South, as North American, especially Canadian, mining corporations are strengthened through regulatory mechanisms such as NAFTA's Chapter 11, discussed in detail below. Neoliberal legal structures work hand in hand with technological developments; improvements in drilling technology, geothermal surveying, and online mineral staking are just some of the examples of how mining companies are speeding up the work that used to be done with a pick and shovel. In this geographic, legal, and technological neoliberal loop, a historic colonial formation is re-articulated by Canada through the imperial power underwriting

systems of property rights, allowing extractive investments to remain largely intact. These systems continue to produce bountiful wealth, reliant on the currents of colonial history. Foreign mining in Mexico is the site of colonial-economic encounter that continues to impact lives, landscapes, and bodies, but not without active resistance.

NAFTA, Chapter 11 and Blackfire Exploration

The focus of many articles in this issue of *Scapegoat*, the North American Free Trade Agreement (NAFTA) came into force on 1 January 1994. Chapter 11 of the agreement governs the relationship between "resident investors" (in the Blackfire case, a Canadian investor) and the "governments that are a party to NAFTA." As legal scholar Stanford Gaines points out, Chapter 11 produces a tension between the sovereign right of governments to protect the environment and their people, and that of a foreign company to secure investments.⁹ Chapter 11 is a key example of neoliberalization and the reconfiguration of property rights shaped by investment relations. It is a mechanism that allows foreign companies

to bring legal claims against Canadian, American, and Mexican governments—and highly controversial because under Chapter 11, multinational profits too easily trump the rights of citizens. Indeed, corporations are essentially able to bypass domestic courts, as they are allowed to appoint one member of a three-member tribunal, which makes legal decisions.¹⁰

In 2010, Blackfire used Chapter 11 to threaten to sue the state of Chiapas for almost \$800 million in compensation for the mine's closure. In the case of the Payback mine in Chiapas, the Canadian Embassy provided Blackfire with advice on how to sue the Mexican state under NAFTA.¹¹ At the time, critics such as Amnesty International demanded an annulment of Chapter 11. Financial threats, such as this one, demonstrate the ways in which the political economy of mining draws quite intimate connections between the Canadian state, corporations, and the daily lives of people outside Canada's financial hubs. This state-corporate collusion is a critical factor in understanding how the mining matrix is implicated in the ongoing life and death of anti-mining activists, such as Abarca. Indeed, the violence had been ongoing in the period leading up to his death. On one occasion prior to his murder, the father of four was severely beaten by Blackfire employees wearing company vests, while his wife was held at gunpoint. In another episode, targeted for resistance to the Blackfire mine, Abarca was detained for over a week.¹²

In the case of the Blackfire mine, this tension between state sovereignty and international capital was demonstrated in part through the threat of NAFTA's investor protection mechanism. Blackfire's investment in their Chiapas mine, however, is not merely the subject of international law, which does not account for human rights. The Canadian Embassy is also heavily intertwined with the overwhelming economic and political clout held by the mining industry in Canada. This makes the threat of Chiapas being sued and Abarca's murder a piece of the much larger history of Canada's imperialist mining efforts.

Moore and Colgrove claim the Canadian Embassy was involved in the murder that took place in the municipality of Chicomuselo. Documents collected through access to information requests from the Department of Foreign Affairs reveal the Embassy provided what the report states is "virtually unconditional support in spite of the company's behaviour." Abarca's murder led to a RCMP investigation, which revealed that Blackfire paid \$19,300 to "keep the peace and prevent local members of the community from taking up arms against the mine."¹³ This represents the erosion of local decision-making and the dispossession of land by and through Canadian capital. James McCarthy writes about trade agreements and neoliberal governance with a special focus on investor protection. He argues investor protection mechanisms are redefining property rights, and that multi-lateral trade agreements produce "regulatory takings." For McCarthy, this redefinition of property rights and the relationship between capitalism and nature is based on enclosure and environmental degradation.¹⁴

The murder of mining activists in Mexico continues. In 2012, two people in the northern Mexican state of Chihuahua were killed under similar circumstances to Mariano Abarca Roblero. Ismael Solorio Urrutia and Manuela Martha Solís Contreras were murdered over a development by MAG Silver on 22 October 2012 because of their vocal opposition to international, and in particular Canadian, mining investments. These incidents are not going unnoticed. Canadian journalist Dawn Paley writes that Canadian mining companies "have become primary aggressors against rural ways of life in Mexico,"¹⁵ and her work has helped to expose Canadian mining companies' involvement in the ongoing murder of activists.

Mining Landscapes and Intimate Matters

The impact of mining on Mexican social and material landscapes is not entirely new, though there are discursive and practical differences between resource extraction during Spanish

rule, and today. The lives of those impacted are both subject to Eurocentric grand narratives of colonial history, though the discourses today are not the same as those of the past. However, colonialism continues to factor into these relations. As Nelson Maldonado-Torres suggests, "coloniality is not simply the aftermath or residual form of any given form of colonial relation." In his discussion of the differences between colonialism and coloniality, he argues that coloniality emerges "in a particular socio-historical setting," which is "that of the discovery and conquest of the Americas."¹⁶ Indeed, "coloniality" underwrites the continuation of uneven power relations and the extent of the impacts of Canadian mining throughout the Americas.

Shifting to a somewhat smaller scale, Melissa Wright has suggested that the body is a site of capital accumulation,¹⁷ which is made especially stark in the murders of Mexican activists. This remains the case outside of notions of value that originate from labour, or more traditional Marxist understandings of accumulation. For example, building on feminist analyses of the body, Ann Laura Stoler writes, "matters of the intimate [are] squarely identified as matters of the state."¹⁸ Following Stoler, then, intimacy can be understood far beyond the domestic sphere, or the management of sex. The intimate connections to the lives and deaths of others demonstrate how the political economy of mining represents a dense transfer of power that locates structures of dominance within the intimate domain.¹⁹ The murder of mining activists in Mexico transfers the political economy of Canadian mining directly onto bodies, and in this case, resulted in Abarca's death.

Canadian mining investments continue to be encouraged in Mexico through Canada's neoliberal economy and NAFTA's laissez-faire trilateral state infrastructure. State governance facilitates the circulation of capital through mining, often above all other costs, and the Blackfire story allows us to question the material and legal landscapes of mining, and the seizure of Mexican lands and resources by

foreign and Canadian investors. The intimate connections between the murder of mining activists and the circulation of (Canadian-based) capital exist through capital-centric mineral tenure systems, which later become embodied in mechanisms such as NAFTA's Chapter 11, even if they are used only as a threat.

In this piece, I have discussed the coloniality that underwrites the current (actual and metaphorical) gold rush, given the specific context relevant to Blackfire's operations in Chiapas, examining the material and discursive ways in which mining has intimate impacts on bodies and landscapes.

For Ann Laura Stoler, in whose writing she makes the "intimate frontiers of empire" appear by scaling colonialism down to the body, "to study the intimate is not to turn away from structures of dominance but to relocate their conditions of possibility and relations and forces of productions."²⁰ The connection between the forces of production and Canadian state involvement in mining investments, and the bodies of murdered activists is one that extractive industry and the Canadian State seem yet unable and unwilling to make.

Notes

- 1**
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- 5**
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- 20**
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