

November 9, 2024

Dear Ms. Helen Clark,  
Chair of the International Board of the Extractive Industries Transparency Initiative (EITI)  
Oslo, Norway

Subject: Submission of Proposals from EITI Civil Society  
Representatives in Latin America and the Caribbean

Greetings from the civil society representatives of Latin America and the Caribbean within the Extractive Industries Transparency Initiative (EITI). Our organizations have actively participated in the EITI for years, advocating for transparency and access to information related to the extractive sector, in response to citizens' needs and the socio-environmental conflicts that arise in this sector across all countries in the region.

Our goal is to promote good governance, citizen participation in decision-making regarding natural resources, and the correct use of extractive revenues for the benefit of society. Therefore, we call for extractive industry activities to be conducted with respect for human rights, dignified work, the highest operational standards, and environmental sustainability.

To carry out our work, we require an open and enabling civic space, where governments foster a safe environment with guarantees for association, expression, public demonstration, and the request and sharing of information without fear of persecution or violence by any actor, whether state or private, armed or otherwise.

Given our interest in preserving civic space as citizens and civil society organizations, we are concerned about the increasing threats to this space in various countries in the region over recent months. Several examples illustrate this issue. In Peru, Congress is currently processing a bill to amend the functions of the Peruvian Agency for International Cooperation, created by Law No. 27692. This bill aims to impose discretionary and disproportionate sanctions on Peruvian civil society organizations, up to and including deregistration with APCI, as a means of intimidating their work in public policy oversight and promoting accountability of Peruvian authorities<sup>1</sup>. Additionally, new areas for hydrocarbon extraction are being promoted in protected natural areas, potentially impacting important conservation targets in the Amazon and indigenous territories without timely citizen participation processes or prior consultation.

Another worrying example is found in Argentina, where the Executive Branch recently modified the regulations of Law 27.275 on Access to Public Information by decree. This reform introduces significant restrictions on access to information, limiting its scope and allowing for discretion in denying information by redefining what constitutes public information. These modifications profoundly impact civic space in Argentina, limiting civil society's capacity to oversee and demand transparency in public management, including within the extractive industries.

The situation is no different in Central American countries. In Mexico, civic space has deteriorated due to violence among armed groups and the government's failure to provide

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<sup>1</sup> Letter sent by Peruvian civil society to the Vice Minister of Hydrocarbons, Iris Cárdenas and Helen Clark dated June 20, 2024.

guarantees for freedom of the press and association, leading to an unprecedented wave of violence, resulting in the deaths of dozens of land defenders, environmental activists, and journalists. Media outlets across the country have also faced threats. According to Amnesty International, Mexico has not taken sufficient measures to ensure civic space, which ultimately puts all citizens and democracy at risk.

In Suriname, despite the constitutional guarantee of freedom of association, civic space is constantly threatened by the criminalization of protests by public security representatives and the government, as well as intimidation and persecution of journalists critical of the government, especially in their efforts to ensure transparency in the management of natural resources. This has led to self-censorship in the media and weakened constitutional protections for citizens' rights to access information and freedom of expression. Additionally, there are no laws guaranteeing access to information, and authorities refuse to publish information through the state agency created for this purpose, citing confidentiality and national interest.

In Guyana, despite strong constitutional rights and protections ensuring citizens' and organizations' full participation in social, economic, and political decision-making, civic space has been reduced. This is evident from public statements by state officials condemning NGOs and respected, longstanding civil society leaders. Indigenous communities and organizations have filed complaints with the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) concerning illegal gold mining on their traditionally demarcated lands and the lack of Free, Prior, and Informed Consent (FPIC). Despite a strict Environmental Protection Act, violations by the Environmental Protection Agency allow oil and gas facilities onshore that handle and store radioactive sources, hazardous waste, and toxic chemicals in residential communities, often without conducting environmental or social impact assessments before granting construction and operational permits. Environmental defenders have won lawsuits in cases against ExxonMobil over the lack of oil spill insurance, a historic case litigated and won by two Guyanese citizens. A group of female civil society leaders from Guyana also presented written and oral submissions at public IACHR hearings, questioning the state on the rule of law regarding oil and gas issues in Guyana. Notably, while Guyana has signed and ratified the Escazú Agreement, the state is not effectively implementing it.

Moreover, we are concerned that the weakening of environmental legislation in various countries promotes impunity and increases environmental crimes, contributing to illegal economies and organized crime. This is evident in the rise of attacks and murders against environmental defenders.

In August 2024, over 200 environmental and territorial groups called on the Chilean government to remove the urgency from a bill to reform the General Environmental Framework Law, urging Congress to reject this legal initiative. In a [public statement](#), they noted that rather than protecting the environment, the proposal disproportionately favors investors' interests, limiting state control over the country's natural heritage, emphasizing inequality, and exacerbating social conflicts. Key harmful aspects identified include the elimination of the precautionary principle in environmental assessments and the acceleration of extractive project processing, posing potential risks to nature and citizens.

In the Dominican Republic, since 2019, Barrick Gold, PVDC, and government authorities have systematically or periodically pressured and harassed mining companies, directly repressing communities to instill fear as a response to community protests against the effects of irresponsible extractivism. Six communities (La Piñita, La Cerca, Jurungo, Jobo Claro, La Laguna, and El Naranjo) are at risk of destruction due to the potential collapse of the El Llagal tailings dam. These communities have also protested against plans to build another large tailings dam without a legitimate environmental and social license. These communities have faced intimidation and repression, with the area militarized, while authorities and the mining company fail to fulfill their legal obligation to relocate communities, contrary to international human rights standards. Currently, the areas of Pueblo Grande and Pueblo Viejo are militarized, community protests are suppressed under police-military pressure, community leaders have been dismissed from their jobs, and some have been physically attacked by law enforcement. The mining company also threatens legal action against members of the multi-stakeholder group, as it attempted to do three years ago, prompting guarantees even before the Inter-American Human Rights System.

Defending land is costing us our lives, yet this grave situation is not reflected in the evaluations and reports published by EITI-affiliated countries in the region. We require EITI to conduct a rigorous examination of civic space, where country performance assessments are based on governments' efforts to provide an enabling and safe environment for active and effective civil society participation in natural resource governance. Civil society within EITI advocates for an inclusive civic space, one that goes beyond the formal participation of civil society in national MSGs and capitals but also encompasses the regions, territories, and communities where extractive projects are developed, as this is where defenders' lives are most at risk, and where state action and presence are limited or even absent.

Additionally, Latin American and Caribbean civil society associated with EITI believes that greater protection of civic space also comes from strengthening the Standard and requiring countries to disclose more information related to the extractive sector. Therefore, we request that the Standard continues to progress and deepen information demands from communities affected by extractive projects. We call for mandatory requirements in the 2023 Standard that are currently voluntary, particularly those related to environmental, gender, social, and energy transition issues. We encourage the future Standard to include new provisions regarding prior consultation, a just energy transition to prevent and mitigate the impacts of new energy models on local communities, and the inclusion of indigenous peoples in multi-stakeholder groups.

We hope that the issues presented here are addressed efficiently and effectively by both the Board and the International Secretariat.

Sincerely,

The undersigned organizations:

- Derecho, Ambiente y Recursos Naturales -DAR, Perú
- Crudo Transparente, Colombia
- Fundación Terram, Chile
- Transparencia por Colombia, Colombia
- Projekta, Suriname
- Ultimate Purpose, Suriname

- Fundación Ciudadanía y Desarrollo -FCD, Ecuador
- ABC Colombia - Somos Territorio, Colombia
- Universidad de Nariño, Colombia
- CREER, Colombia
- Grupo Ignea, Universidad Nacional de Colombia sede Medellín, Colombia
- Grupo de Diálogo sobre Minería en Colombia -GDIAM, Colombia
- Grupo de Organizaciones de Sociedad Civil EITI, México
- Engenera, A.C., México
- CartoCrítica, México
- Proyecto sobre Organización, Desarrollo, Educación e Investigación, PODER, México
- Transparencia Mexicana, México
- Fundación Foro Nacional por Colombia, Colombia
- Fundación Foro Nacional por Colombia, Capítulo Región Central, Colombia
- Fundación Foro Nacional por Colombia, Capítulo Suroccidente, Colombia
- Organizaciones No Gubernamentales de Alta Verapaz CONVAG, Guatemala
- Fundación Relaves, Chile
- Sustentarse, Chile
- Espacio por la Transparencia de la Industria Extractiva (ENTRE), República Dominicana
- Instituto para la Protección del Medio Ambiente (INSAPROMA), República Dominicana
- Observatorio Dominicano de Políticas Públicas de la Universidad Autónoma de Santo Domingo (ODPP-UASD), República Dominicana
- Articulación Nacional Campesina (ANC), República Dominicana
- Fundación Vida y Salud, República Dominicana
- Comisión Nacional para la Defensa de los Derechos Humanos (CCDH), República Dominicana
- Participación Ciudadana, República Dominicana
- GEMA Ambiental, República Dominicana
- Grupo Propuesta Ciudadana, Perú
- Women's Rights Centre, Suriname
- Amerindian Peoples Association -APA, Guyana,
- GYEITI Civic - Multi-Stakeholder Group, Guyana
- Guyana Human Rights Association -GHRA, Guyana
- Transparency Institute of Guyana Inc. -TIGI, Guyana
- Red Thread Women's Collective, Guyana
- Universidad de San Martín, Argentina
- Universidad Católica de Salta, Argentina
- Universidad Católica Argentina, Argentina
- Fundación Otras Voces, Argentina
- Directorio Legislativo, Argentina
- La Asociación para el Desarrollo Sostenible de la Región Indígena de la Moskitia de Honduras, Honduras.