

the local environmental and socio-economic impacts of those operations, resultant social upheaval and political disillusionment, and the macro-structural context of the oil industry.

Overall, the book largely accomplishes its stated goal, within the narrow definition of the resource curse noted above. However, because of this narrow focus, the book devalues the importance of the broader structure of the global oil system, the local environmental and socio-economic realities of oil development zones, and the connections between these levels in policy decisions. Given the added weight the book carries due to the Nobel-laureate editors, the highly respected contributors, and its place as the third volume in the Revenue Watch Series—intended to provide stakeholders in oil and gas development with the tools necessary to ensure greater transparency in extractive industry revenue flows—its narrow focus unfortunately contributes to the growing notion that transparency is a silver bullet for the ills of oil development.

In slight discordance with the rest of the volume, but summing up what I found most problematic in the book, Terry Lynn Karl argues at the end of her chapter that the vast majority of “economic and technocratic” (270) solutions proposed (in general) for avoiding the oil curse are destined to fail because they are directed purely at the oil-producing nations rather than “the symbiotic relationship between these states and the oil companies.” She concludes by arguing for a more comprehensive approach, one that unfortunately is missing from the majority of this volume’s policy recommendations.

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Under Rich Earth (2008)

Producer and Director: Malcolm Rogge
www.underrichearth.com

This film is a moving account of a confrontation between farmers in a remote valley in Ecuador, and a Canadian mining company registered in British Columbia and trading on the Toronto Stock Exchange. What is remarkable about the story is the filming of the capture of 56 armed paramilitaries by 100 villagers. What is important about the film is its impact on the ultimate fate of the mining company.

The community of Junin is located in the lush Intag Valley. The local farmers grow coffee, raise cows and chickens, and move their goods on pack animals. Carlos Zorrilla, an expatriate Cuban-American and long-time resident, calls this “paradise.” However, in the eyes of the mining industry, the community is poor, uneducated, and in need of jobs. The government of Ecuador issued a concession in 1996 to Mitsubishi Metals.

Opposition forced them to leave, and the Canadian company Ascendant Copper acquired the same concessions several years later from the Ecuadorian government. They decided to brand opponents of the mine as “eco-terrorists” and hired paramilitaries to intimidate and tear-gas local residents. Company representatives claim they were helping the communities by setting up economic development projects and introducing training programs for future jobs in the mining industry.

In 2006, about twenty “rogue” police tried to arrest Zorrilla and he was forced to go into hiding. A couple of months later, two busloads of paramilitaries were dropped off in the jungle near the community of Junin. Fearing they would be surrounded, community members organized a march into the valley and encircled the paramilitaries. The movie captures the electrifying confrontation between the two groups. In the end, not a single shot is fired as the villagers negotiate the removal of the bulletproof vests from the intruders and march them into the village. The only building large enough to house the men is the village church, which is turned into an ad hoc detention centre. The next five days are passed waiting for government authorities to show up, while the community cooks for the detainees and the visitors. Eventually, the intruders are released into police custody.

I do not think it is any accident that director Malcolm Rogge has a law degree. The film is put together with precision and focus, and he uses effective cross-examination techniques to catch Ascendant executives in outrageous lies. William Jurika, Chairman of Ascendant Copper, says, “We are not trying to push ourselves on to people,” while footage shows armed paramilitaries tear-gassing and shooting at unarmed villagers. Francisco Ventimilla, General Manager of Operations in Ecuador, quotes CEO Gary Davis as saying that the company “never had a single armed person in the area.” Yet footage shows the villagers disarming the paramilitaries who are carrying handguns, bullets, and tear-gas canisters.

From a legal perspective, just as important is the fact that the film uses the voices of the community members themselves to tell their story. Although the witnesses are not in a court of law, they are testifying. As any litigator will tell you, nothing can beat a coherent recounting of events from the victims. Like a documentary filmmaker, a lawyer must facilitate the sharing of a particular perspective on the unfolding of a series of events over time. The advantage of the filmmaker is that the images add a texture and immediacy that is impossible to reproduce in testimony given from a witness box. Rogge does a masterful job giving us a feel for the community: villagers talk while doing their daily tasks, making soup, weaving cloth, and loading their horses.

The film has received rave reviews since its world premiere at the Toronto International Film Festival in 2008. It was first screened in Ecuador and since then has had showings in Mexico, Brazil, Germany, and the United States. I have shown parts of the film to several of my law classes not only because it is a good film but mainly because it has influenced the development of the law.

Crusading lawyer Murray Klippenstein has gone to visit the community in Junin and has commenced groundbreaking lawsuits against the Canadian directors of the company and against the Toronto Stock Exchange. While it will be many years before these suits are resolved, films like *Under Rich Earth* will provide crucial background

to understanding how events unfolded. For example, the *Northern Miner*, Ontario's newspaper for the mining industry, reviewed this movie and said that it depicted "a classic example for companies on how not to handle community relations." So this is a cautionary tale: mining company hires thugs to tear-gas and intimidate local farmers. Graphic scenes of violence are recorded and distributed internationally. Ecuadorian government rejects the company's environmental impact report and suspends mining operations in the area. Lawsuit commences in Canada.

The last chapter (perhaps) is unfolding as I write this review in October 2009. Ascendant Copper has changed its name to Copper Mesa. The Ontario Securities Commission has issued a notice that they may de-list the stock from the Toronto Stock Exchange. It is not known whether there is a direct connection to the events in Junin or to the film but it is certainly ironic. Near the end of the film, Francisco Ventimilla of the mining company, looking full and smug, predicts that the "opposition will fail."

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As documented in *Under Rich Earth*, Intag, Ecuador, is the site of a confrontation between the local community and a Canadian mining company. The hand-painted sign says: "Entry of mining companies prohibited. These lands are not for sale. They are to be protected." Photo by Malcolm Rogge