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With OceanaGold's attempt to rebut the facts of the letter signed by 280 organizations that collectively have over 180 million members, the company has made not only false but also nonsensical arguments. There is absolutely no legal foundation whatsoever for OceanaGold's claim that it in order to pay the \$8 million that it owes the Salvadoran government that it must wait for the ICSID tribunal's supplementary decision regarding whether it must pay interest on this amount.

There are some clever, if duplicitous, parts of the OceanaGold answer, especially OceanaGold's suggestion that ICSID is considering more than just a request about interest due. So too is OceanaGold's failure to mention that the ICSID ruling does indeed say that Salvadoran law concerning the requirements that have to be met in order for a company to get a concession can stand, and that OceanaGold never met the requirements of that law. Indeed, the ICSID ruling stated that the company has no right whatsoever to a concession. In addition, OceanaGold conveniently failed to mention that that not only did it lose (in a 3-0 vote by the ICSID panelists), but also that it was ordered to pay El Salvador \$8 million. And so too does OceanaGold somehow fail to mention that its supposed model mining operation in the Philippines has actually been suspended by the Philippine government until the company resolves the adverse environmental and social effects of that mining. In other words, OceanaGold omitted some important evidence against it.

Moreover, what OceanaGold does include is far from convincing or accurate. So, we offer four points of free advice to OceanaGold:

- 1.) Articles 53 and 54 of the ICSID Convention make it clear that the ICSID award became binding, payable, and enforceable on the date it was issued (October 14, 2016). There is no grace period for payment: the \$8 million was due on October 14, 2016. El Salvador's filing of a request for a supplemental decision does not change that. Indeed, OceanaGold is in breach of its obligation to comply with the award on October 14, 2016.
- 2.) A party that owes money to the other party after an arbitration can ask for a grace period before payment is due. OceanaGold did not make such request. This brings us back to our first point: the \$8 million was due on October 14, 2016.
- 3.) El Salvador's request for a supplemental decision dealt with one simple question that the tribunal overlooked: if OceanaGold did not pay the \$8 million in full on October 14, 2016, would anything not paid be subject to interest until paid? This request by El Salvador in no way changes the fact that OceanaGold owed El Salvador \$8 million as of October 14, 2016.

4.) The fact that OceanaGold tries to hide its non-payment and non-response to El Salvador behind the existence of a pending request for a supplemental decision filed by El Salvador is outrageous. It was OceanaGold's refusal to pay the award immediately in October 2016 and its refusal to say whether it was going to comply with the award that forced El Salvador to file the request for a supplemental decision regarding interest. Without such interest charges, OceanaGold would in effect have a financial reward – by garnering interest on \$8 million that no longer belonged to the company.

We interpret the delay on the part of ICSID to make a decision over the interest payments as further evidence of bias in the unjust international arbitration system to favor corporate interests, considering the harsh measures ICSID uses to ensure that states pay when ordered to.

We also take note of OceanaGold's admission that its "El Dorado Foundation serves to be a positive reference of modern, responsible mining in Latin America." In other words, OceanaGold explicitly acknowledges that its Foundation is part and parcel of its tactics to attempt to mine in El Salvador. Based on a study released last year about the Foundation -- with its sewing and English classes and other events for local people living near OceanaGold's would-be El Dorado concession – it was evident through its actions and its founding statutes that this is the case. Contrary, however, to the company's assertion that the Foundation is open to public scrutiny, the two authors of that study were unsuccessful in their attempts to speak with its representatives in El Salvador. But here, we have OceanaGold openly confessing that its foundation is NOT a stand-alone charity unrelated to their mining interests, but that it is indeed there to convince people in Cabanas that mining would be positive for El Salvador – to win hearts and minds, as the saying goes. This is perhaps the one truthful admission in their rebuttal and should be reread by those who have been persuaded into thinking that OceanaGold actually cares about the well-being of the local inhabitants. If OceanaGold has no legal right to mine in El Salvador, as the ICSID tribunal has ruled, then its mining-related foundation should have no legal right to be there either.

OceanaGold, its legal team, and its public relations office have tried – unsuccessfully – to deceive the Salvadoran people and government for more than a decade now. Over that period, as academic polls have shown, the public's negative view of mining has only increased. And, the government resolve to keep mining out has increased, as demonstrated by a bill to prohibit all metallic mining in the country that will be soon brought to the legislative assembly for a vote. With respect for the self-determination of Salvadorans and in compliance with the order from ICSID, now is the time for OceanaGold to pay up what it owes to El Salvador and leave the country.