


Original article

Sexual violence and extraction: Interrogating mining executive discourses of corporate social responsibility, violence, and impunity

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ABSTRACT

Gender-based and sexual violence permeates resource extraction. This violence operates in many forms and spheres, both public and private. Focusing on a case of overt, public violence, we ask, what is productive about gender-based and sexual violence for mining corporations? In the context of commitments to social responsibility and the gender impacts of mining, what can explain corporate engagement with acts of extreme violence that publicly undermine these commitments? We respond by exploring the case of the 2007 attack on Maya Q'eqchi' women near the Fénix nickel mine in Guatemala. Following an attack allegedly involving gang rape by public-private armed forces, eleven survivors mobilized to demand justice in the landmark *Caal v. Hudbay* legal case in Canada. Our analysis offers a reading of the internal communications of mining executives and their affiliates, which were released through the case. Bringing these data in conversation with critical theories of race, gender and extraction, we argue that the mining company benefitted not only from the gendered suppression and discipline of resistance, but also from the reinforcement of a racialized view of Guatemala as violent—a stereotype that allows Canadian corporate executives to continue to project their goodness, regardless of the substance of their actions.

1. Introduction

There is a gender violence to mining, one that operates through racial hierarchies and uneven transnational landscapes. Sometimes this violence is slow (Nixon, 2011), articulating through ecological degradation (Laboucan-Massimo, 2014) or harmful socio-economic shifts. And sometimes this violence is fast: gender-based and sexual violence perpetrated in intimate and public settings alike. Feminist research across the Americas has documented the relationship between gender-based and sexual violence and resource extraction (e.g. Hofmann and Duarte, 2021; Cabnal, 2019; Deonandan and Bell, 2019). Canadian mining actors (private and government) have often positioned themselves as outside of these violent relations; however, far from an exception, in Canadian operations, we can witness the tight links between gender violence and extraction (Coumans, 2019). In this piece, we turn to Canadian mining operations in Guatemala to examine a particularly egregious example of gender violence in the service of extraction.

In 2007, Vancouver-based Skye Resources (later purchased by HudBay Minerals), was engaged in a series of evictions aiming to remove Maya Q'eqchi' communities from their land in order to secure operation

of the Fénix nickel mine. Skye Resources, and their local subsidiary, Compañía Guatemalteca de Níquel (CGN), planned three evictions; in the third, eleven Q'eqchi' women from the Lote 8 community were allegedly gang raped by armed groups comprised of police, military, and private guards, and their homes were then set ablaze (Klippenstein & Wanless, 2019). This horrific violence was met with significant resistance at local and international levels: remarkably, survivors successfully took HudBay to court for their human rights abuses. Our focus lies with this 2007 eviction, but it is important to note that Skye also stood trial in Canada for the 2009 murder of Adolfo Ich Chamán and shooting of Germán Chub Choc, members of the same Lote 8 community that was evicted two years prior. In this paper, our analysis focuses not on the survivors of the 2007 attack, but on what mining executive discourse can reveal about the racial and gendered inequality, and, indeed, violence, underpinning extractivism. We ask here just what is productive, for mining corporations, about sexual violence?

In this paper, we explore how extreme and public acts of sexual violence serve corporate interests to access and secure an extractive site for the purpose of transnational capital accumulation. In framing our question around the term 'productivity', we are informed by Silvia

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Federici's gendered analysis of capital accumulation (2004), which centres its requisite gendered and racialized violence. As Federici notes, however, there is no one form of this violence; thus, recognizing the geopolitical situatedness of the gendered and racial relations at any extractive site (Hoffman and Duarte, 2021), we draw upon an analysis of elite discourse to consider the role of violence in the context of contemporary large-scale transnational mineral extraction.

Indeed, the question of the productivity of sexual violence for mining companies diverges from discourses that position the role of companies as one of mitigating or stopping violence. It is particularly salient in this global moment of corporate social responsibility. Transnational extractive corporations that go to lengths to signal the virtue of their engagement with local communities and their compliance with voluntary frameworks such as the UN Guiding Principles on Business and Human Rights nevertheless frequently face allegations of extreme violence against project opponents in neighbouring communities (Counans, 2017, 2012). When considering a company such as Skye Resources—with executives who indicated repeatedly that they view Skye as an inherently good actor operating against the headwinds of local corruption and violence—what purpose could be served by affiliation with acts of extreme sexual violence that will necessarily undermine any projected image of goodness? How does the lawlessness of Skye's attack on the women of Lote 8 serve the company's interests, when Skye positions itself as not only lawful but in fact more virtuous than the local legal environment in which it operates? We explore these questions via an analysis of an extraordinary set of internal company documents released through the *Margarita Caal Caal v. Hudbay Minerals Inc.* case.

Based in our reading of the Hudbay affidavit, we argue that Skye's gains from the violence are twofold. First, the violence serves to subdue resistance, with the gendered nature of the sexualized attack denigrating the lives and livelihoods of women as the core of organized opposition to the mine. This role is in line with Kalowatie Deonandan and Colleen's Bell's discussion of gender and sexual violence as a tool for 'disciplining dissent' (2019). Second, by reproducing the violence that Skye executives associate with a racialized depiction of Guatemala as an inherently violent place (Razack, 2002), the company's own acts ironically contribute to the rationale for Skye's presence. If Skye maintains a disassociation from an attack for which it is arguably responsible, that attack will serve to reinforce racialized stereotypes that justify the presence of "good" Canadian actors in the mining sector. Such disassociation, as we show below, draws on the mining executive's sense of self as well-intentioned and victimized, what Butler (2015, 182-187) refers to as the "good guys, inside a fortress, besieged."

To support this argument, we combine an exploration of the racialized and gendered nature of extractivism with a review of the extensive documentation of internal communications released through the *Margarita Caal Caal v. Hudbay Minerals Inc.* case. We begin with a review of the literature on race and capitalism, particularly as it articulates in mineral extraction, paying close attention to Paula Butler's work on white supremacy in the mining industry, *Colonial Extractions: Race and Canadian mining in Contemporary Africa* (2015). The paper then explores the mining industry in contemporary Guatemala. Butler's work is then brought into dialogue with the case at hand. We position the author's assessment of the colonial mindset of mining professionals alongside a close reading of Skye's internal communications, which keeps an eye to revealing the racialized perception evident in the words of company executives and managers in their preparations leading up to the attack. Finally, we discuss this case in relation to racial capitalism and explore the ways in which this extreme act of sexual violence can be considered productive for Skye Resources. In so doing, we bring the literatures on the racial character of elite extractive actors (via a remarkable documentation of mining company communications and reporting) in conversation with robust transnational literatures of gender/sexual violence and extraction. Uniquely, this analysis reveals the relational, and, indeed, complementary role of disciplining violence and discourses of

moral "goodness" in transnational mining. Moreover, through a close attention to the character of the violence in our case study, we offer novel analysis of the racial and gendered character of public violence within the wider spectrum of violence and extraction.

2. Data and methodology

This paper draws primarily on a set of communications and corporate documents produced by the mining company Skye Resources and entered as an affidavit for a civil court case in Ontario, Canada in 2018. The collected documents span an affidavit of 366 pages, and are comprised of electronic conversations among Skye's executives in Canada as well as their conversations with managers of Skye's Guatemalan subsidiary; interjections by members of Guatemalan government agencies and its armed forces; formal reports and informal updates by international security consultants and local informants; company ledgers documenting evictions-related expenditures and the daily operations of private security guards; testimony by Skye executives during the trial, and more. Analysis of this set of corporate documentation was conducted as part of a broader project on corporate counter-insurgency led by Simon Granovsky-Larsen. Together with Larissa Santos, Granovsky-Larsen developed a typology of twelve counter-insurgent tactics used by extractive and private security companies, and coded the Skye Resources affidavit for instances of these tactics. Passages from the documents were tagged with tactic names and collected in an Excel spreadsheet. The dataset produced contains 240 instances of apparent engagement with one of the twelve corporate counter-insurgent tactics, and each entry contains the quote in question, its associated tactic, the date of the document or communication, and the exhibit number from within the affidavit. This dataset was published in open-access format alongside an article resulting from the research (Granovsky-Larsen, 2023; see also Granovsky-Larsen and Santos 2021). Both the dataset and the resulting publications respect the privacy of individuals by referring to professional titles or roles in the case rather than names, except when an individual's involvement has already been discussed widely in the press.

While preparing a paper on corporate counter-insurgency, it became clear that the unique insight into the internal discussion and debates of mining executives and their partners presented in the affidavit also shed light on these actors' opinions about Maya Q'eqchi' communities, and about Guatemalans more generally. For example, we assessed as Stigmatization (tactic 11) the passage by a Skye executive who stated that the CGN subsidiary "is refusing to negotiate with the trespassing squatters while having discussions with invaders about land purchases" (Montgomery 2018, Exhibit A). This perspective ignores the complicated history of Indigenous land use and land claims in the area of the mine, and instead defines community presence as an illegal invasion. A collection of similar passages together produced unique insight into the perspectives of Skye executives and their associates, which we analyze here in relation to work on racial capitalism, with particular emphasis on a framework offered by Butler (2015) in *Colonial Extractions*. The documentation remains partial and limited, as we will never know the content of any additional communications (including verbal conversations). A likelihood also remains that some communications may have been hampered by an appreciation of the record created by electronic communication, even if the intent was for these to remain private. Nevertheless, access to this unprecedented level of internal discussion and debate exposes the perspectives of mining executives and their partners in a new way. Through these records, a reader may find herself closer to the honest opinion of mining company representatives embroiled in community conflict than through any other medium.

No fieldwork was conducted for this paper, but our understanding of the dynamics of mining repression and resistance in Guatemala draw on a long engagement with civil society in the country. Simon Granovsky-Larsen worked as a human rights accompanier with Indigenous campesino organizations in Guatemala beginning in 2003, carried out

fieldwork on topics related to social movements and political violence between 2005 and 2018, and continues to organize with international solidarity campaigns in defense of human rights and the safety of activists in Guatemala today. In order to respectfully engage with the documentation produced about the Maya Q'eqchi' women whose assault, survival, and struggle for justice lie at the heart of the *Margarita Caal Caal v. Hudbay Minerals Inc.* case, Granovsky-Larsen spoke extensively with two core members of the legal campaign supporting the women, about the intended use of court documents in this and other publications. Encouragement was communicated by the women, via interlocutors in the legal campaign, to publicize findings about the behaviour and mindset of those connected to the 2007 attack.

3. Analytical framework: racial and gendered hierarchies of extraction

Canada's mining interests and the racialized processes of dispossession upon which they rely are shaped by, and in turn reproduce, racial and gendered hierarchies that operate transnationally though articulate distinctly across places and time. Our analysis begins, then, by contextualizing Canadian mining through the reproduction of racial hierarchies, the relationship between "race" and extractivism, and the gendered contours of these relations. Racial capitalism, as an analytic, challenges both economic approaches to capitalism that privilege the materiality of capital over 'race' (and also power relations like gender, citizenship and Indigeneity), and approaches to 'race' that locate 'race' as prior to or outside of capitalism (Gilmore, 2022). Rather than seeing 'race' anachronistically, scholars of racial capitalism work through its dynamism and locatedness (Jefferson and Melamed, 2022; Goldberg, 1993), examining the dialectical relationship between 'race' and capitalism; this scholarship interacts with a range of anti-racist materialist scholarship that does the same, though not through the language of 'racial capitalism' specifically (Dawson in Jefferson and Melamed, 2022). As Gilmore puts it (2022), "capitalism and racial practice codeveloped because the racial practice was already there" (in Jefferson and Melamed, 2022).

While racial hierarchies shape the everyday operations of capital, mining requires a particular – and a particularly intensified – mobilization of 'race' and racial difference. Extraction as a concept and as process relies upon the racialized and gendered binary between non-human 'nature' and human 'civilization' (Patel and Moore, 2017; Smith, 1999; Svampa and Viale, 2014). While our specific focus in this article is mineral extraction, in most of our discussion, we refer to extraction, in general; by which we mean "a political-economic process of expanding value and/or power via the identification, capture, and control of extractable materials" (Bridge, 2016, 1). We maintain an expansiveness in definition because the racial and gendered violence attached to extraction links various extractive processes across products, from minerals to fossil fuels to palm oil and more (Hall, 2025; see, for example, Hartviksen, 2022).

The conception of nature as something that is untouched by humanity means that humans are, somehow, also *unnatural*: that we are outside – or above – nature. Grounded in white supremacy, the false binary between nature and civilization creates frontier spaces (Lyons, 2010) outside of capitalist relations and marks entire Peoples and their lands as extractable. In the case of Canadian mining interests, this racial hierarchy continues to serve as an ideological and material underpinning for settler colonialism within settler Canada's borders (Coulthard, 2014), and for neo-colonial extractive projects elsewhere (Thomas and Coburn, 2022). Indeed, writing of the racial logics of the oil sands in Alberta – Canada's largest domestic extractive operation – Jen Preston notes that whiteness serves both to obscure the violence of colonial dispossession upon which the oil industry relies, and to shore up "narratives of tar sands extraction in Alberta where white pioneers (such as Sydney Ells and Dr. Karl Clark) ultimately tamed nature in order to convert it into a profitable resource" (2017, 354). Likewise, reflecting on

transnational processes of taking wealth from the African continent to elsewhere, Charmaine Pereira and Tsikata, (2021, 2) define extractivism through "longstanding colonial and imperialist phenomenon. Thinking through the ontological underpinnings of these processes of removal, Erai Çaylı (2021, 2) expresses extraction as "a racialized reduction of the worth of particular lands and peoples to that of a mineable and marketable resource."

In her expansive work, *Colonial extractions: Race and Canadian mining in contemporary Africa* (2015), Paula Butler brings theories of 'race,' capitalism and white supremacy in conversation with neoliberalism extractivism. Her work builds upon seminal Black and anti-colonial thought, operating somewhat parallel to – though certainly in complement with – contemporary literature on racial capitalism. Butler's analysis of Canadian mining operations on the African continent emerge from a critique of the everyday and violent operations of white supremacy that, she argues, both make possible and rationalize the processes of dispossession inherent to capitalist extraction. Butler critiques the specificity of white supremacy as it operates through dominant imaginaries of 'Canada': "a humane, rights-respecting, globally responsible state and of Canadians as altruistic and idealistic 'global citizens'" (2015, 18). In asking how this liberal humanitarian narrative of Canada interacts with extraction – and, specifically, its neoliberal articulations – Butler reveals both the agility and the fragility of the operations of racial capitalism, and, indeed, its subjects. On the one hand, extractive dispossession and liberal humanitarianism are paired through a turn to the market and the possibilities of 'responsible development' and 'inclusion' (McKay and Hall, 2025); on the other hand, Butler's inquiry demonstrates the psycho-social wear of racial logics that labour to mask colonial violence.

The racial hierarchies that shape mining operations (both within and across borders) are global power relations; however, there is no general racism or racialization (Hall, 1986; Goldberg, 1993; Bhattacharya, 2017). Thus, we must read Canadian corporate and state mining activities through the settler colonial specificities of Canada's political economy. As Butler (2015, 37) writes, in Canada's settler colonial state, "the idea of settler-colonialism-as-goodness is posited as a foundational lie at the heart of the contemporary Canadian social imaginary." Thus, just as Canadians, as workers, are positioned for international extractive operations through our heavy state investments in post-secondary extractive training and job opportunities (Hall and Pryce, 2024), so, too, are Canadians trained in the colonial double-speak of "do-gooders" and dispossession. In domestic extraction, this contradiction is often navigated through rhetoric of Indigenous recognition that is drained of its material conditions and potential implications (Coulthard, 2014). Internationally, this contradiction is more likely navigated through the rhetoric of humanitarianism and 'international development', a racial vernacular (Pierre, 2020) that, like ideologies of international development in general, has been used to 'legitimize and perpetuate the colonial rule' (Wilson 2011, 316). While there may appear to be a glaring and incommensurable contradiction between the democratic and humanitarian construction of Canada and the extractive dispossession and violence upon which its political economy relies, Butler argues that the racial scripts and material relations through which Canadian extraction operates deny this contradiction. Indeed, drawing upon Charles Mills's conception of racism as a political system (Mills 1997), Butler notes that "the apparent contradiction between democratic governance and colonial governance can be understood not as incommensurable but as the expression of a sophisticated racial system" (2015, 44). That is to say, the violence of colonialism does not expose the *limits* to Canada's liberal democratic governance; instead, it reveals the racial hierarchies underpinning it.

These racial systems are powerful and persistent in their dynamism, to be sure; however, to express these systems as a social totality would be to tell only one side of the story. They are simultaneously characterized by fragility and fissures, apparent in the cracks in their so-called civility/non-violence; in the eggshell constitution of the colonizer ego expressed

in mine manager narratives; and, most importantly, in alternative narratives that express a story of colonial seizure and violence. Bringing a gendered lens to these racial operations of mining helps to expose these fissures. As Lian Sinclair (2021) writes, mining operations can create new gender orders, but these are orders created through both gendered harms and gendered agency (Venes and Navas, 2023; Hofman and Duarte, 2021). The gender – and gender violence – of Canadian mining has been exposed and challenged by Indigenous feminist scholars and activists in Canada (Knott, 2018; Pauktuutit, 2014). As many Indigenous scholars and activists note, extractive violence to land (removal, contamination, degradation) and violence against Indigenous bodies are not discrete (Alfred and Corntassel 2005; Coulthard, 2010). Rauna Kuokkanen (2008) and Audra Simpson (2016) conceptualize settler colonialism as gender violence, and argue that structural processes of colonial oppression and dispossession cannot be divorced from Indigenous women's experiences of violence done to their bodies and lives. Symbolically and materially tied to the reproduction of their communities and relations to land, women's bodies stand in the way of extractive dispossession. As such, as activists, community leaders, caregivers, and knowledge holders, Indigenous women are at the forefront of resistance to extractive dispossession and bear much of the violence of extraction.

Canadian feminist literature on the relationship between gender/sexual violence and resource extraction has been articulated largely through settler colonial relations (Hall, 2021; Knott, 2018; Simpson, 2016). In Central America, feminist literature on the same has developed through intersecting approaches, revealing links between neo-colonialism and relationships to land and community that shape gendered operations of extractive violence (McKay, 2022; Cruz Hernández and Bayón Jiménez, 2020; Deonandan and Bell 2019; Cabnal, 2019). These literatures document the ways in which disparate forms of violence are shaped by the racial and gendered orders that facilitate dispossession, revealing violent continuities between extractive sites (Hartviksen, 2022). As scholars have noted, the gender/sexual violence of extraction is not only physical (Hofman and Duarte, 2021; Deonandan and Bell, 2019; Cabnal, 2019). This can include, for example, domestic or intimate partner violence associated with the gendered inequalities of hyper-masculine mining employment regimes (Hall, 2021; Falla, 2011); sexual violence associated with temporary work, migration, and male workforces (Blanco Vizarrata and Dongo Roman, 2019); and gendered experiences of ecological, or slow (Nixon, 2011), violence, wherein extraction contaminates and/or removes sources of livelihood and wellbeing (Laboucan-Massimo, 2014; Jenkins, 2014). Decolonizing feminists have powerfully articulated this violence and its range through the concept “body territory” (*cuero-tierra*) (Cabnal, 2019; Cruz Hernandez, 2016), which expresses the “re-signification of territory, not only spatially, but in relation to women's body” (Hofmann and Duarte, 2021, 44).

While there are deep continuities in the relationship between gender/sexual violence and colonial extraction, how these violences articulate is shaped by the specificities of time and place. Some of the gendered and sexual violence associated with extraction is highly public and immediately visible, while much of it operates in the spheres of the intimate and the everyday, sometimes slow and diffuse. Below, we interrogate the politics of visibility/invisibility of the gender violence of extraction in the context of the hyper-visibility of the sexual violence perpetrated in the case we are discussing. Before that, however, we turn to the specifics of first mining in Guatemala and then the violence directed at women near the Fénix mine, as well as the perspectives of the mine's executives as revealed in their internal communications.

4. Mining and dispossession in Guatemala

The global scenario of mining violence and the community-based defense of territory plays out in Guatemala within a particular local environment—what Aguilar-González et al. (2018, 248) refer to as

“nested conflictivity” in recognition of the multi-layered social, political, and environmental contexts surrounding Guatemalan mine sites. Guatemala suffered a horrific internal armed conflict from 1960 to 1996, which involved the murder of some 250,000 people—often through the massacre of rural Indigenous communities and the disappearance of urban activists and their associates, and almost entirely at the hands of state forces. Through the genocidal targeting of Maya peoples, mass sexual violence, and the elimination of progressive activists and thinkers, the Guatemalan elite and its armed forces attempted to disrupt community autonomy and collective organizing, and to reinforce and update an exclusionary economic model (Smith, 1990; Schmirler, 1998). Although the post-war period has witnessed new forms of political organizing and significant movement victories (e.g., Grandia, 2024), the contemporary era remains locked in a struggle between civil society and entrenched elites, who continue to make use of violence to enforce economic and political power (McAllister and Nelson, 2013; Batz, 2024).

Mining projects have presented a central venue for this reassertion of elite power. Beginning with the Marlin gold mine in 2005, four large-scale mining projects have reached operation: the Marlin mine, owned by the Canadian company Goldcorp; the El Tambor gold mine, owned first by the Canadian company Radius Gold and then sold to the US-based Kappes, Cassidy and Associates; the Fénix nickel project discussed in this paper (which today is owned by the Russian company Solway Group); and the El Escobal silver mine, which changed hands between two Canadian companies, Tahoe Resources and Pan American Silver. Each of these projects faced organized opposition by surrounding communities, and in each case public and private forces responded with repression (Aguilar-González et al., 2018). Anti-mining activists have been murdered at each of the four operational mine sites, and at key moments in the trajectory of mining projects the state has declared localized states of siege (*estados de sitio*) (Sveinsdottir et al., 2021), a level of public emergency in Guatemala that sits just below the declaration of a state of war.

The militarization of mining-affected areas through states of siege, and through long-term military outposts left in their wake, has helped to reestablish the role of the armed forces in internal civil law enforcement following a peace accords-mandated attempt to limit the military role to countering external threats (Jonas, 2000). In addition to aiding in the reassertion of the post-war relevance of the armed forces, individuals within the institution profit from the reliance of mining projects on private security companies, an industry that is controlled in Guatemala by active and former military officers (Argueta, 2012). Guatemala's economic elite also benefit from the presence of transnational mining companies. Sveinsdottir et al. (2021, 121) argue that the strategic value of mining to elites is not only economic, but also reproductive of elite power. Mining allows domestic economic groups to engage as minor partners in extractive projects that would be too capital-intensive to control themselves. The projects also serve as opportunities for elites to form alliances within a terrain of political and economic power that is undergoing realignment (Sveinsdottir et al., 2021; see also Alonso-Fradejas, 2024). Aguilar-Støen and Bull (2016, 23-28) present the role of Guatemalan elites in mining projects as symbiotic in its corruption, as elites draw on their networks to assist transnational corporations with introduction to powerful state and non-state actors, as well as to service provision and securing investment, while domestic elites leverage as influence the ability to control the flow of money related to transnational mining companies. In sum, the presence of transnational mining projects in Guatemala, and the violence utilized to enforce them, assists in the reassertion of power in the post-war period and its renegotiation between established elite groups.

Guatemalan communities have managed to mount effective resistance to mining projects. A combination of direct action and legal tactics has led to the temporary suspension of some projects, the cancellation of others, and, as in the case of the Fénix mine, to holding company executives accountable for some of the incurring violence. Community

organizing against mines has based many of its claims on the International Labour Organization's Convention 169, which establishes a requirement for free, prior, and informed consultation with Indigenous Peoples regarding economic development projects that could affect them. In the absence of meaningful consultation, the municipality of Sipacapa, San Marcos held a community-level *consulta* (plebiscite) that rejected Goldcorp's Marlin mine in 2005. The *consulta* tactic gained traction across the country, with at least 77 other municipalities holding votes against mines and other megaprojects by late 2013 (Laplante and Nolin, 2014; Urkidi, 2011). Some communities then moved to more forceful measures after *consulta* results were ignored. The El Tambor gold mine, for example, was blockaded by nearby residents for over two years (Pedersen, 2014), while communities surrounding the El Escobal silver mine enforced a court-ordered suspension with checkpoints that began in 2017 and remained in place in mid-2025 (MiningWatch, 2025). The community-staffed points near El Escobal would quickly produce blockades whenever company equipment was spotted approaching the mine.

Alongside *consultas* and blockades, communities have also worked closely with legal defense organizations on a range of cases that have severely hampered mining plans. Spalding (2023) describes an interconnected network of environmental and Indigenous organizations engaging in strategic litigation in Guatemala. Cases brought by organizations such as the Environmental and Social Legal Action Center (CALAS) and the Nim Ajpu Association of Maya Lawyers and Notaries led to the suspension, by Guatemala's Constitutional Court, of the El Tambor mine in 2015, the El Escobal mine in 2018, and the Fénix mine in 2019. These mines have since been reactivated, after the government designed and implemented a new consultation process led by the Ministry of Energy and Mines (Spalding, 2023, 6-8), but their past suspension nevertheless stands as testimony to the power and bravery of organized communities. Although suspensions have been lifted on El Tambor, El Escobal, and Fénix, anti-mining movements have managed to prevent other projects from beginning. Most dramatically, the environmental licenses of 10 proposed mines in the area just north of the Fénix mine were cancelled in 2025 due to anomalies in proposal documentation (Solano, 2025). These domestic suspensions and cancellations of mining projects are joined by transnational legal cases representing further community victories. The *Margarita Caal v. Hudbay Minerals Inc.* case discussed in this paper was joined by two other cases in Ontario, Canada that responded to violence against members of the same community – the murder of Adolfo Ich Chamán and shooting of Germán Chub Choc in 2009. Survivors of an armed attack by private security guards on protesters outside of the El Escobal mine also took Pan American Silver to court in British Columbia in 2014. All four cases trying Hudbay Minerals Inc. and Pan American Silver ended in settlements described as fair by the plaintiffs (Klippensteins Barrister and Solicitor 2024; MiningWatch 2019). The cases represent a significant innovation in transnationally-navigated efforts to achieve justice for mining harms, as well as another form of successful organization by Guatemalan communities in the ongoing struggle to defend rights, territory, and dignity in the face of mining (Nolin and Russell 2021).

5. The Fénix mine and racialized production of sexual violence

In January 2007, a series of evictions attempted to remove Maya Q'eqchi' communities from land claimed by Vancouver-based Skye Resources for the Fénix nickel mine near El Estor, Izabal. This was far from the first attempt to secure operation of the Fénix mine through force. In fact, the opening of the most horrific five-year period of Guatemala's internal armed conflict (1978-1982) began with a massacre of Q'eqchi' people in Panzós, just down the road from the Fénix mine (Cuffe, 2021). In the 1970s and 1980s, local Q'eqchi' people organized against land theft and the opening of the mine, which was owned jointly by the Canadian company Inco Limited and Guatemala's dictatorial government. Repressive tactics at the time targeted outspoken villagers

with disappearance, execution, evictions, rape, and sexual slavery (Burt, 2019). The threads running from that period to today's violence are easy to identify: operation of the Canadian-owned Fénix mine, contentious for its theft of Indigenous land and its environmental devastation, is overseen by Canadian professionals and Guatemalan officers, some of whom straddle the periods between the 1970s and today (Holden and Jacobson, 2008; Cuffe, 2021).

The Fénix project was reactivated after its 2004 sale to Skye Resources, and in the final months of 2006 Skye executives in Canada and their counterparts in Skye's local subsidiary Compañía Guatemalteca de Níquel (CGN) worked to plan evictions. After suffering two evictions that were excessively forceful but free of extreme physical violence (Paley, 2007) on January 8 and 9, 2007, communities returned once again to the land. At this point Skye and CGN carried out a third, much more violent, eviction a week later. Testimony entered into the civil case in Canada holds that a combined force of military, police, and private security attacked the community without warning; eleven women were gang raped by breakout groups from the force, and their homes were then set ablaze (Klippenstein and Wanless, 2019). As was done around the same mine during the armed conflict, the attacks appeared "designed to destroy not just the bodies of the victims, but the broader body politic" (Burt, 2019, 89).

Our assessment of the colonial mindset of Skye executives and their affiliates is based in the aforementioned affidavit of internal communications, and is aided by a chapter in Butler's *Colonial Extractions* titled, "Who do we say we are? Narratives of Canadian mining professionals in African states" (2015, 162-210). Based on the author's interviews with Canadian mining professionals whose experience included work in African settings, Butler explores the subjectivity of white Canadian mining professionals, including the beliefs that those individuals have about themselves as Canadians abroad. While Butler encountered instances of overt racist sentiment, the text focuses more on a perceived need by mining professionals to explain their role in mining's colonial and exploitative practices through reference to the inherent goodness of themselves and their country. Dominant narratives of Canadians as culturally sensitive, environmentally responsible, and uncorrupt are peppered through accounts of African countries as wild frontiers and miners as risk-taking explorers. These are expressions of what Jemima Pierre (2020) calls a "racial vernacular" of development. She writes that this vernacular is "deployed within the resource-extraction industry (and within the broader development enterprise) in ways that sustain racial thought, that index particular racial meanings, and that prescribe certain social and political practices" (Pierre 2020, 87). Thus, in the case of extractive elites, their narratives and their actions rely upon both pre-existing racial hierarchies (Gilmore, 2022), and the conjunctural configuration of race (Bhattacharya, 2017) - and gender - in the place and time of extraction.

Butler depicts the dual nature of mining professionals' self-perception—innocent and well-intentioned while also brazen and racist—as encompassing at once both aspects of two categories proposed by Albert Memmi (cited in Butler 2015, 164). Memmi discusses the colonizer who accepts the colonial project, and the colonizer who refuses it while nevertheless holding paternalistic views of the colonized and benefitting from the colonial project. Canadian mining professionals, in Butler's account, embody both forms of colonizer within contemporary global capitalism. Of particular relevance to our case, Butler identifies a narrative, repeated by multiple interviewees, of what she calls "good guys, inside a fortress, besieged" (2015, 182-187). In this narrative, the mining professional arrives to an African country not only to enrich himself and embark on adventure, but also to provide jobs and economic development. Nevertheless, in this narrative, he finds himself under attack both physically and economically. Miners may feel that they are unfairly targeted with high fees as foreigners, while others recount finding themselves under siege by robbers and local armed groups. As a result, the mining professional feels a state of victimhood, a sense of anger at local people for not appreciating the economic benefits that he

is trying to bring them, and also besieged (in a reproduction of the classic colonial fortress mentality). This state of victimhood relies upon both the asserted innocence of the Canadian mining industry (Schlosser 2013), and the presumed violence of the place of extraction, and its social relations. Here, 'race' is deployed to mark particular places as inherently violent, and naturally so (Razack et al., 2002). As we argue below, the wounded ego and racialized sense of self-worth discussed by Butler are on full display in the communications produced by Skye executives surrounding their eviction of Maya Q'eqchi' villages in Guatemala.

Our reading of the affidavit documenting the 2007 evictions overseen by Skye Resources suggests that front of mind for company executives was a perception of themselves as victims of illegal land invasions. Public and private communications by Skye and CGN managers displayed no recognition of the location of the Fénix mine on the traditional lands of Maya Q'eqchi' villages, or of the forced removal of those villages in recent memory, during the earlier stages of the same mine project in the 1960s-1980s. Instead, the communities are referred to as invaders. As invaders, those villagers of course hold no legal claim to the land, in Skye's perception, and even negotiation through state institutions was out of the question. Negotiation is referred to as "a trap" (exhibits B and G in Montgomery, 2018), and "we have communicated with the invaders that no negotiation or discussion will take place with them so long as they choose to violate the law" (exhibit D in Montgomery, 2018). Skye's refusal to negotiate is strengthened further by a sense of being trapped on multiple sides by Guatemalan actors. Not only have "squatters" (exhibit VV in Montgomery, 2018) invaded company land, but the "invasions" are being manipulated by politically-motivated civil society organizations and face negotiation in biased government agencies. The CONIC Indigenous organization that supported the communities is regularly disparaged in Skye communications, with claims that CONIC and others "want to use the forced evictions to increase their power and publicity in a very volatile election year" (exhibit UU in Montgomery, 2018), and that instead of being members of local communities, the Q'eqchi' people present on company land are simply moved around strategically between multiple invasion spots by CONIC (exhibit AAA in Montgomery, 2018). If negotiation were to occur through Guatemala's Secretariat for Agrarian Affairs (SAA), held Skye officials, even official communication with the SAA could "be the end of the legal path we have been trying to follow" (exhibit G in Montgomery, 2018), since the institution is "leftist controlled" (exhibit B in Montgomery, 2018).¹

Feeling besieged by invaders, civil society, and state institutions alike, Skye officials also presented themselves as victims to public opinion due to their operation within Guatemala's environment of political violence. This sentiment was supported by security consultants to Skye, who urged cautious preparation to avoid violence (exhibits V, W, AA, BB in Montgomery, 2018), even while Skye managers insisted on the need for eviction. In their discussions leading up to the evictions, there is a sense of a lingering possibility of violence at the hands of public forces that the company needs to avoid. "Given it is Guatemala," writes one consultant, "can we really expect them to abide by the 'correct rules and procedures'?" (exhibit DD in Montgomery, 2018). In the weeks following the last of the January 2007 evictions, an email thread discussed how to manage public relations. "We need to inform northern audiences that these [eviction] events do occur on a regular basis in Guatemala and at times can be very ugly. Right now, people think that this only happened to Skye and they are shocked. You and I know, that as far as invasions go, we were very lucky that they were peaceful and no one got hurt" (exhibit Y in Montgomery, 2018). This attitude not only

ignores the extreme sexual violence that occurred, it places innocent Skye managers as fighting an uphill battle to communicate their goodness within a national setting of violence that operates beyond their control.

Guatemala as a setting hostile to Skye's well-intentioned operations is a theme that extends throughout the communications. Company documents present the legal and institutional setting as untrustworthy, to the company's disadvantage. A security audit contracted by the company, for example, notes that "institutions are weak, judicial [sic] can be influenced and is not trusted. This causes a risk because the company may not be able to use the law to protect its assets" (exhibit BBB in Montgomery, 2018). Likewise, the conditions on the ground during an eviction are set by actors other than themselves, in Skye's narrative. "I spoke to a few people who have been on the ground in other places in Guatemala when the police move in to evict squatters," writes a consultant. "They told me that when CONIC is involved, the situation can get very ugly and very quickly" (exhibit V in Montgomery, 2018). In contrast to supposedly violence-prone Guatemalans, and despite poor odds, Skye professionals understood themselves to go above and beyond to ensure orderly eviction. Top executives in Canada championed the 2007 evictions as clean and careful (exhibit WW in Montgomery, 2018), and even bragged, months after the attack on the women of Lote 8, that "the eviction activities were recognized in Guatemala as the *first time in history* that any eviction resulted in zero injuries, zero physical violence and zero arrests" (exhibit Z in Montgomery, 2018, our emphasis).

Guatemala, in the mind of Canadian mining professionals from Skye Resources, is a place of danger, violence, corruption, and legal uncertainty – wherein, as Razack (2002) puts it, race becomes place. While this provides a partially accurate portrayal of Guatemala's political environment, what is missing from Skye's narrative is an appreciation of the significant role played by transnational executives such as themselves—and their allies within Guatemala's political, economic, and military elite—to actively reproduce and benefit from these characteristics (Sveinsdottir et al., 2021; Alvarado, 2022; El Observador, 2020). Skye managers and their CGN employees are positioned as the "good guys, inside a fortress, besieged," as Butler (2015, 182-187) suggests. Even in the specific instance of Skye's 2007 evictions, however, we can challenge their claim to stand apart from the violence and corruption they confronted. Skye appears to have taken full advantage of "weak" institutions (see Asunción et al., 2022 and Coumans, 2019) and a judiciary that can be "influenced" (exhibit BBB in Montgomery, 2018). A month before the evictions, Skye's Vice President of Operations wrote to colleagues that "we expect to get the Coban eviction order signed today (likely), but we'll need to pressure on [sic] the Puerto Barrios Judge as someone may have gotten to him" (exhibit S in Montgomery, 2018). When faced with a potential injunction presented on behalf of the communities facing eviction, CGN's General Manager lobbied the police to speed up the eviction process, and had their lawyer intervene by successfully entering a document intended "to delay [the injunction] process by at least 2 weeks, which means the eviction orders will be executed within that time" (exhibit R in Montgomery, 2018).

Skye's considerable resources were also doled out in support of an eviction with little transparency, as sums totaling around \$61,000 USD were directed to private bank accounts for vague expenses such as "second invasion funds transfer" and "security funds transfer" (exhibit QQ in Montgomery, 2018). Further, a top manager at Skye's CGN subsidiary actively lobbied the national police and worked on intelligence gathering with a former military officer (exhibits EE, OO in Montgomery, 2018). The documents also demonstrate clear control over the assembly of public and private security forces (exhibits A, EE, MM, PP in Montgomery, 2018), and over decision-making at all stages of eviction planning (exhibits XX, L, M, R, S, U in Montgomery, 2018).

These communications together undermine Skye executives' attempts to distance themselves from violence. In all, the behaviour suggests a systematic approach to engaging the same institutional and judicial corruption that in other moments Skye's managers denounce.

¹ Granovsky-Larsen's extensive field research with CONIC and the campesino-Indigenous movement in Guatemala understands CONIC as deeply rooted in local organization and responsive to grassroots struggles, and the SAA as anything but leftist-controlled. See Granovsky-Larsen (2019).

Where Skye's managers decry the violence and corruption of Guatemalans, they imply their own innocence, level-headed refusal to let force get out of hand, and desire to work within the rule of law. Evidence of Skye's multi-faceted corruption and oversight, however, deflates this fantasy and exposes a form of narrative delusion that matches Butler's (2015) assessment of the industry.

6. Corporate discourse and continuities of racial and gendered violence

In critiquing the "weakness" and malleability of Guatemalan institutions while depending on these very conditions, and in condemning their Guatemalan political collaborators as violent while actively facilitating activities known to be violent, Skye managers walked a well-worn colonial tightrope. This tightrope asserts white innocence (Preston, 2017; Simpson, 2016) through deployments of racialized dispossession, exploitation and violence, fast or slow. What distinguishes the case under study is not these contradictions: as we have argued, we see a tight continuity in the narratives displayed in the court documents under study with Butler's depictions of colonial mentalities in operation on the other side of the world, with the settler colonial context from which these Canadian miners have come, and, indeed, with the racial vernaculars deployed in neo-colonial resource development projects transnationally (Pierre, 2020). Nor is this case distinguished by the presence of gendered/sexual violence which is, again, in continuity with extractive operations in the region and around the globe. Rather, we are struck by the intensity and *intense visibility* of the horrific sexual violence apparently perpetrated by a public-private security force against the Maya Q'eqchi' women. Gendered and sexual violence is associated with extractive operations across time and place; however, in an era of greater public visibility of and attention to corporations and, correspondingly, corporate commitments to social responsibility, how do we make sense of the lawless violence that took place under the watch of international corporate actors who position themselves as, not only lawful, but, in fact, *more* virtuous than the domestic law in question?

To follow the colonial tightrope to its endpoint would be to see the Skye corporation as outside of the violence done to the Maya Q'eqchi' women. Racial narratives mark certain places – and the people associated with those places – as inherently violent (Razack, 2002), thereby naturalizing and/or obscuring real incidents of harm, and the social (colonial) context that shapes them. As we have seen above, the narratives of the mining managers follow this racial vernacular (Pierre, 2020), painting Guatemala as an inherently violent space, and marking themselves as outsiders, operating above and in spite of the violent conditions they witness.

But of course, what we see in the narratives is a simultaneous distancing and strategic deployment of the conditions the mining managers create. And what was alleged in *Margarita Caal Caal v. Hudbay Minerals Inc.* was that these managers were indeed culpable because of their negligence and carelessness that contributed to these horrific acts of violence. Neglect is a slippery term: it can refer to non-action and, in this way, seem like a negative accusation: that is to say, the mining managers should have *done more* to ensure safe operations, to work against the so-called "weak institutions" of the host state (Coumans, 2019). However, what is clear from the Skye Resources internal documents and communications is that the mining managers were, in fact, 'doing' an awful lot. Thus, we approach neglect in its positive formulations: if we approach the violence, characterized here as neglect, not as the result of (espoused as benign, passive) non-action, but rather, structured through a set of active corporate choices, then the creation of conditions that make sexual violence permissible emerges as a choice, too. Certainly, we are not arguing that the mining managers could have predicted the exact series of events, nor, as scholars operating outside of the context of this legal case are we interested in filling in factual holes. Rather, in our analysis, we recognize the strong coordinating role that

Skye Resources played in the multiple evictions that ultimately led to extreme acts of sexual violence. Given both their knowledge of the volatile context in which they were working – including the gendered history of armed conflict and its intimate violences – and their leadership role in the extractive operation, we bring Skye managers' utilization of public-private force in conversation with the racial logics, and racial-gendered violence of extraction. In so doing, we ask, what is generative, or productive, about sexual violence for mining corporations, especially ones that position themselves as 'responsible', 'civil' actors? How does this public and extreme violence serve their interests in securing the means of extraction and accumulating its value?

First, this highly visible case of sexual violence reproduces a narrative of inherent local violence. As noted above, Skye managers orchestrated evictions with clear knowledge of their potential for violence (here, we are referring to physical violence, as the socio-ecological violence of evictions is not acknowledged by the Skye managers, who consistently assert themselves as rightful owners of the land and as the Maya Q'eqchi' community as invaders). Skye managers congratulated themselves on these evictions being "*the first time in history* that any eviction resulted in zero injuries, zero physical violence and zero arrests" (exhibit Z in Montgomery, 2018, our emphasis). In recognizing the probability of violence while simultaneously asserting their own exceptionality, Skye managers narrate themselves as both capable international operators and as outside of the violent conditions they are orchestrating. By reproducing the violence that is emblematic of this racialized place (here we are borrowing this term from Razack 2002), mining companies are, at once, violently subduing resistance while building a rationale for their own (violent) presence: ironically, mine leadership becomes both the knife and the salve. Thus, by employing the "racial vernacular" of violent localities, mine executives are asserting the need for an international (and presumed white) presence. The evictions orchestrated by Skye do this double work: the reproduction of the repressive tactics of the recent civil war in the region (Granovsky-Larsen, 2023) is both immensely terrifying and a private reenactment of the public absence of the rule of law that Skye so vocally decries.

Second, the repression and terror created by the violent evictions was itself gendered. The women who were attacked were, in their day-to-day lives and labours, insisting upon a community relationship to land that directly challenges the authority asserted (and required) by extractive operators (Venes et al., 2023; Hofman and Duarte, 2021; Cabnal, 2019). Gender violence, especially in its colonial and racial operations, operates at spaces of resistance wherein multiple and potentially conflicting modes of life are reproduced (Hall, 2021). As both the labourers and symbols of a way of life and relation to land that challenged the (white) authority of transnational extractive capital, these women were written as, at once, dangerous and backward. The perpetration of sexual violence against these women doubled as a denigration of their lives and livelihoods. In this way, the public nature of the sexual violence served to "discipline dissent" (Deonandan and Bell, 2019). Gendered and racial violence—and, in this case, sexual violence—is here a productive set of processes that serves to both secure the site of accumulation (Federici 2004) and, simultaneously, justify its own presence.

7. Conclusion

As research from across the Americas demonstrates, gender-based and sexual violence permeates resource extraction. But the continuity of violence across extractive sites does not articulate as a similitude: that is, not all gender-based and sexual violences are the same. Instead, gender-based and sexual violence articulates through the place-based social formations at extractive sites; through the modes of dispossession and accumulation with which the extractive actors engage; and through the – often contradictory – socio-political commitments of political and economic elites. Increasingly, as a result of commitments to 'responsible mining' and local relationships, gender-based and sexual

violence operates quietly, in private spaces, at a distance from formal extractive operators, and especially elite actors, enabling, via its spatial and private operations, claims to impunity.

In this context, the horrific sexual violence allegedly perpetrated by military, police and private security working for Skye Resources and CGN is an aberration: rather than a private or slow violence that could later be denied, the gang rapes were a public performance – made no less materially violent by their performativity. In the service of better understanding the gendered and racialized violence of transnational extraction in its contemporary formation, we ask, then, what is productive about sexual violence for mining companies? In responding to this question, we build from literature on the racial and gendered character of extractivism, with a focus on Paula Butler's work on the articulation of white supremacy among transnational mining elite. We argue that, drawing on racial spatial and social binaries of lawful/unlawful, civilized/uncivilized, and even violent/non-violent, the perpetration of sexual violence serves the needs of Skye Resources in two contradictory ways. First, the violence serves to subdue resistance: particularly in its reproduction of the dynamics of state terror that the Maya Q'eqchi' people lived through during the armed conflict and continue to experience today. Second, and ironically, in its reproduction of that violence, Skye Resource elites appear as both facilitators and aspiring heroes, aiming to present themselves as lawful outsiders in an unlawful space. In this way, this case articulates a productive twosidedness to the violence of the production and reproduction of the "racial vernaculars" (Pierre, 2020) that underpin resource extraction-as-development: transnational actors become both perpetrators and saviours, while local people and spaces are both victims and violent.

In the pursuit of both of these aims, the gender of the survivors matters. Maya Q'eqchi' women were targeted as people responsible, materially and symbolically, for the reproduction of their communities: communities that stood in the way of unfettered extractive accumulation. Since this appalling violence was committed, the survivors have expanded their resistance from the local to the transnational, bringing Hudbay Minerals to court in a landmark case. A 2024 settlement in the case included monetary compensation and terms that the women found to be "fair and reasonable," despite Hudbay continuing to deny all allegations (Klippensteins Barrister and Solicitor 2024). This victory and the release of unprecedented corporate communications during the case challenge the impunity with which transnational mining companies have so often operated and lay bare the gendered and racialized violences of extraction.

CRedit authorship contribution statement

Simon Granovsky-Larsen: Writing – review & editing, Writing – original draft, Methodology, Investigation, Funding acquisition, Conceptualization. **Rebecca Jane Hall:** Writing – review & editing, Writing – original draft, Methodology, Funding acquisition, Conceptualization.

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