

January 10, 2005

MINING in GUATEMALA:

- 1- Report, by Sandra Cuffe (Rights Action), and
- 2- Mayan declaration on mining

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In early December, a series of events focusing on mining were organized in Guatemala. Although the majority of the dozens and dozens of mining concessions, exploration and exploitation licenses were granted under the previous government thanks to legislation passed in the prior period, the issue has only recently begun to be discussed. This is in large part due to the manner in which the legislation, concessions and licenses were approved by national authorities without any consultation or even information.

Organized opposition is growing in response to the construction of the Marlin project, a gold mine owned by the Canadian/US company Glamis Gold.

In order to assure the project's success and the increase in foreign investment in the mining sector, the project has been financed by the World Bank Group, through a 45 million dollar loan from the International Finance Corporation directly to the company. The vast majority of the population in the affected municipalities in the department of San Marcos are indigenous Mam and Sipakapense, are opposed to the project and have not been properly consulted.

Regional opposition to this and other projects and the coordination of a National Front against mining has led to the necessity of a serious campaign to convince the population of Guatemala that mining indeed brings "development and progress", and to convince companies that their investments (profits) will be safe in the country.

THE CORPORATE, WORLD BANK & CANADIAN EMBASSY MINING FORUM

The Ministry of Energy and Mines, along with the World Bank, the

Canadian

Embassy – or the spokesperson for mining company interests, as most organizations refer to it – along with a few other institutions, sponsored and organized the first National Forum on Mining December 1–2. One of the stated objectives was to work towards creating a national consensus on mining; however, participation was by invitation only and the few community and organization representatives were easily overshadowed by representatives from government, international financial institutions and mining companies.

Indigenous peoples account for over half the population of Guatemala, and the majority of concessions and licenses fall within indigenous territory. However, their participation in the official forum was limited to approximately 1% of participants.

THE POPULAR MINING FORUM

In the face of the increasing threat of mining activities, and in response to the one-sided official forum, the Defensoria Q'eqchi' and CONIC (partner groups of Rights Action) organized an event to discuss the issue with representatives of indigenous organizations and communities from around the country. The first of two days was devoted to a series of presentations about the history of mining and respective legislation in Latin America, impacts, indigenous rights and territory, and concrete experiences, such as in El Estor (nickel, INCO-EXMIBAL), San Marcos (gold, Glamis Gold, under construction) and a number of other mines visited in Honduras, Peru and Ecuador. As Cesar Teni of the Defensoria Q'eqchi' pointed out, "if we don't have a grasp on the information, in a way we are blind."

Indigenous rights and territory were discussed in relation to Convention 169 of the International Labour Organization (on the rights of Indigenous and Tribal Peoples), ratified but not respected by most governments, including Guatemala, Canada, Honduras. As Arnoldo Yat of CONIC pointed out "it's as

if the government signs an agreement with its right hand and then promptly erases it with its left."

Another participant asked "why doesn't the government go negotiate the sale of its mother? why always ours?," referring to the mountains and sacred sites. The participating organizations worked in groups on December 30th to elaborate a declaration in response to the official Forum. A translation is included below.

FOR MORE INFORMATION, or to support indigenous and community-based organizations and movements struggling for their community development rights in the face of powerful Canadian and US mining companies in Guatemala and Honduras, contact Rights Action: info@rightsaction.org, 416-654-2074, www.rightsaction.org.

DECLARATION, Iximché Junlaju Ajmaq y Kab'laju Noj (November 29 and 30, 2004).

MAYAN NATIONAL CONGRESS: "MINING LICENSES IN MAYAN TERRITORY: yet another form of foreign invasion"

CONSIDERING:

That the mining exploration and exploitation licenses granted by the government of Guatemala to transnational corporations have negative effects on the lives of the Guatemalan people, especially on indigenous peoples in social, economic, cultural and spiritual aspects, as well as those related to mother earth.

That the harmful effects that mining activities represent, due to open pit mining and other forms of exploitation, for human and natural life destroy mother nature: forests, sacred sites, crops, rivers, lakes, health, etc.

That mining exploitation claims to bring development to communities, but in

reality generates the increase and deepening of extreme poverty, destruction, confrontation between communities and authorities, and human rights violations, especially of women and children.

That the existence of 31 exploitation licenses and 135 exploration licenses for the mining of metals in 16 departments and 106 municipalities, in which the majority of the population is indigenous, endangers the life of both indigenous and non-indigenous peoples and communities.

That the State of Guatemala has violated Convention 169 of the ILO, especially articles 6, 7 and 15 in regards to prior consultation with indigenous peoples, as well as the Peace Accords and the Constitution of the Republic.

FOR ALL OF THE ABOVE, WE DEMAND:

OF THE STATE:

The categorical cancellation of exploration and exploitation licenses, granted by the Government and the Ministry of Energy and Mines without the prior consent of affected indigenous communities, which were therefore granted illegally given that the Mining Law and respective Regulation were approved after the ratification on Convention 169.

That the identity, territory and rights of indigenous peoples be respected.

The adoption of policies to establish an institutional mechanism of full consultation with indigenous peoples.

The fulfillment of article 46 of the Constitution of the Republic, which refers to the prevalence of international conventions, such as 169, over internal law, such as the case of the mining legislation and its respective regulation.

The establishment of consistent policies and legal provisions that respect the vision of indigenous peoples in relation to mother nature, concerning the management, conservation and administration of natural resources.

Compensation for environmental damages caused to affected communities.

We categorically reject the National Forum on Mining, sponsored by the government in response to the interests of transnational corporations.

OF MUNICIPAL GOVERNMENTS:

That the Mayors and other municipal authorities take sides with the population and refrain from endorsing mining licenses.

The fulfillment of the Municipal Code and municipal Autonomy.

OF THE NATIONAL CONGRESS:

Repeal the Mining Law, its Regulation and other similar legislation.

OF THE SPECIAL ATTORNEY FOR HUMAN RIGHTS:

Verify and condemn the violations of indigenous rights in relation to mining.

OF THE MINING COMPANIES:

Immediate withdrawal from national territory.

Compensate and repair damage to communities caused by mining activities.

OF THE INTERNATIONAL COMMUNITY, ESPECIALLY INDIGENOUS PEOPLES AROUND THE WORLD:

Your solidarity with the struggle of the indigenous peoples of Guatemala.

OF THE LOCAL, NATIONAL AND INTERNATIONAL MEDIA:

Inform objectively on news related to mining activities.

OF THE INDIGENOUS ORGANIZATIONS OF GUATEMALA:

Unite with the shared struggle and join the actions already begun. We alert communities to be vigilant and informed of mining activities, and call upon them to oppose with legitimate, legal and organized resistance.

PARTICIPATING ORGANIZATIONS:

COORDINACI'N Y CONVERGENCIA MAYA -WAQIB' KEJ
DEFENSORIA Q'EQCHI' / AEPDI
COORDINADORA NACIONAL INDÓGENA Y CAMPESINA - CONIC
COORDINADORA NACIONAL DE VIUDAS DE GUATEMALA -CONAVIGUA
ENLACE QUICHE
ALIANZA POR LA VIDA Y LA PAZ DE PETEN
CONSEJO DE ORGANIZACIONES MAYAS DE GUATEMALA-COMG

MUNICIPALIDAD SOLOLA
DEFENSORIA MAYA-DEMA
ASCODIMAYA
ACOBA
COMISI" N CONTRA LA DISCRIMINACI" N Y RACISMO-CODISRA
COMUNIDAD DE BARRANECHÉ TOTONICAPIN
FUNDACI" N MAYA PARA EL DESARROLLO INTEGRAL-FUMDESI
ASOCIACI" N INTEGRAL CAMPESINA SIPACAPENSE-ADICS
ASOCIACI" N TIJONIK
MADRE TIERRA
CONFERENCIA NACIONAL DE MINISTROS DE LA ESPIRITUALIDAD MAYA OXLAJÚJ
AJPOP
DEFENSORIA INDÓGENA WAXAQIB' NO'J
MOVIMIENTO DE JOVENES MAYAS - MOJOMAYAS
ASOCIACION PARA EL DESARROLLO INTEGRAL MAYA AJCHMOL.
COORDINADORA LATINOAMERICANA DE ORGANIZACIONES DEL CAMPO-CLOC
CENTRO DE ACCI" N LEGAL- AMBIENTAL Y SOCIAL DE GUATEMALA - CALAS
INTRAPAZ / U.R.L.
DERECHOS EN ACCI" N
VOLUNTARIOS Y OBSERVADORES EXTRANJEROS
COMIT... DANES DE SOLIDARIDAD CON CENTROAMERICA -CDSC-.

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Based in Central America, Canada and the US, Rights Action funds and works with community development organizations. Rights Action has first hand experience with the destruction caused by most global mining operations. For more information about these issues: www.rightsaction.org, info@rightsaction.org, 416-654-2074.
