

June 7, 2005

GUATEMALA: JUNE 18 - COMMUNITY CONSULTATIONS IN SIPACAPA, SAN MARCOS, CONCERNING MINING EXPLORATION & IN THEIR TERRITORY

In response to actual and potential threats (to community development, human rights and the environment) caused by the global mining industry, community consultations will take place in Sipacapa, San Marcos, Guatemala, where the US-Canadian mining company Glamis Gold is building a mine operation.

Funds are needed to ensure the community's ability to carry out a widespread and open consultation concerning community development and the impacts of the global mining industry. [To make tax-charitable donations, see below]

Please re-distribute this information widely, as considerable international attention is needed to support the communities' efforts to openly consult and have their views known and respected.

To get on/ off this elist: info@rightsaction.org

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JUNE 18: Community Consultations in Sipacapa, San Marcos

Dear friends,

On June 18, 2005, community consultations will take place in the municipality of Sipacapa, San Marcos, Guatemala, to determine the population's position on mining exploration and exploitation activities in their territory.

Considering that the vast majority of the municipality's population is indigenous - (Maya) Sipakapense - the communities and municipal authorities have agreed carry out the consultations according to the traditional local decision-making process. In concrete terms, this entails community assemblies, in which the population discusses the issue, expressing opinions and concerns, until a collective decision is reached. If consensus is not possible, then the diverging opinions and numbers will be recorded. Community acts will be drawn up and brought to the municipal center in the following days.

A municipal assembly will be held on June 22 to socialize the results of the community assemblies and so that the municipal government emits a resolution reflecting the decisions presented in the community acts.

Similar consultations have already taken place in several municipalities around the country, including in other communities affected by mining in the department of San Marcos. Most recently, the community indigenous authorities of Comitancillo traveled to Guatemala City in order to present the results of the consultations in their municipality to national government authorities: a strong ¡NO! to mining exploration and exploitation activities. Earlier this year, a series of new mining licenses had been granted to Entre Mares, another subsidiary of the

Canadian/ US mining company Glamis Gold. All of this in the wake of recent widespread protests, killings and death threats associated with the activities of global mining companies in Guatemala. (Upon request, we can provide background information)

Sipacapa differs somewhat in that it is one of the two municipalities already being directly affected by Glamis' Gold's "Marlin Project". As the mining operation is currently being constructed, the majority of the company's installations and the mine itself are located within the borders of San Miguel Ixtahuacán; however, the processing facilities are planned for Sipacapa, as are some of the water sources to be used by the company. Communities in Sipacapa are also expected to be among the worst affected due to the geography, not to mention the likely possibility that in the future Glamis would move into other areas of the concession. Thus, the stakes at play in the consultations are higher in Sipacapa; community leaders continue to receive death threats.

Due to the process to be followed June 18th, logistics are somewhat complicated. Below is part of a proposal prepared by community representatives of Sipacapa, along with the Mayan Integral Development Association Ajchmol (ADIMA) and the Rural Workers' Movement (MTC), two regional organizations accompanying communities and local associations in San Marcos.

Aside from \$ support for the consultations, moral support, international observers, socialization of the process and results, pressure on the actors involved to abide by the results, etc, are/will all be needed. For more information or to support the community consultations in Sipacapa, contact:

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Solidaridad,

Sandra (Rights Action)

BACKGROUND

Transnational companies interested in metallic mining in Guatemala are taking advantage of the favourable conditions offered by the new legislative framework regulating the sector. As of July 31, 2003, the Ministry of Energy and Mines had approved and granted 247 mining exploration licenses, 255 mining exploitation licenses, and 21 applications for prospecting. In its statistics, the Ministry does not distinguish between metallic mining (mainly gold, silver, nickel, copper, lead and zinc) and non-metallic mining (marble, granite, gravel, sand, limestone, etc). It is important to note that some 95% of the metallic mining concessions were granted between 2000 and February 2004, mainly due to the mining legislation which came into effect with the ratification of decree 48-97.

In terms of geography, there is mining activity all over the country, with mining exploration and exploitation licenses in 16 departments and 106 municipalities; however, mining activity and licenses are especially concentrated in the occidental region of the country. In the

department of San Marcos there is one exploitation license and five mining exploration licences, directly affecting the municipalities of Concepción Tutuapa, Ixchiguan, San Marcos, San Miguel Ixtahuacán, San Pedro Sacatepéquez, Sibinal, Sipacapa, Tacaná, Tajumulco, Comitancillo, Tejutla, and San José Ojetenam.

As regards this project, we would like to call attention to the following:

- The licenses were granted by one of the most corrupt governments the country has had.
- The State of Guatemala is violating the Political Constitution of the Republic of Guatemala, as well as the Peace Accords, especially as regards the Agreement on the Identity and Rights of Indigenous Peoples.
- There was no consultation process with the population of San Miguel Ixtahuacán and Sipacapa, as is established in ILO Covenant 169, which was ratified by Guatemala in 1997. Thus, since then the convention has been law and there is no valid excuse for the lack of consultations with the affected populations.
- Throughout the duration of the presence and activities of the mining company in San Miguel Ixtahuacán and Sipacapa, Glamis Gold has acted in a devious and untruthful manner, tricking the population. Among other questionable incidents, the company never told the people that there were precious metals in their lands.
- This concession also violated municipal autonomy as defined in the Municipal Code, because the government went ahead with this concession without obtaining municipal authorization.
- The government institutions in charge of ensuring that environmental regulations are met lack the technical and financial capacities to fulfill their obligations. The Ministry of the Environment and Natural Resources has demonstrated its incapability to carry out his work.
- This mining project is provoking negative social, cultural and environmental impacts in the communities of San Miguel Ixtahuacán and Sipacapa.

The Ministry of Energy and Mines has recently granted 10 mining licenses to Entre Mares, another subsidiary of Glamis Gold, for another project called Máquivil in the department of San Marcos.

OBJECTIVES

GENERAL

- To carry out and promote inclusive and effective participation of the communities belonging to the Sipakapense linguistic community;
- To support the coordination of coordinated and systematic action in order to exercise the protection of the population's social, economic and cultural rights as a people;
- To guarantee that the peoples' territory as a whole is respected, by way of a community consultation carried out according to the local and traditional mechanisms and structures.

SPECIFIC

- Carry out community consultations to determine the decisión and position of the communities regarding mining exploration and exploitation in the territory of Sipacapa.
- Establish coordination with diverse national and international organizations and institutions in order to support, both technically and financially, the consultation process in Sipacapa.
- Promote the participation of families from all of the communities of Sipacapa with their opinion about mineral extraction in their territory.
- Inform the population of Sipacapa about mining activities so that they may make informed

and responsible decisions.

- Guarantee and socialize the results of the consultations with national and international organizations in order to gain support for the exercise of local power.
- Carry out different activities so that the results be respected by State authorities and all other actors involved.

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Tax-charitable donations needed for this transparent community consultation process, make check payable to "Rights Action" and mail to:

* United States: 1830 Connecticut Av, NW, Washington DC, 20009.

* Canada: 509 St. Clair Ave W, box73527, Toronto ON, M6C-1C0.

On-line donations: USA and Canada: www.rightsaction.org. Wire funds to Rights Action: contact info@rightsaction.org, 416-654-2074.

To help build awareness and strengthen work for global justice and equality, to organize educational and activist oriented events in your own community, CONTACT: info@rightsaction.org/ 416-654-2074/ www.rightsaction.org.

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