

June 21, 2005

GUATEMALA: MAYAN COMMUNITY REJECTS GOLDMINE - Indigenous communities could force Guatemalan Government to revoke concession

BELOW:

- A media release, prepared by Annie Bird, Rights Action
- A formal declaration by 75 national and international observers that were present before and during the Community consultations

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If you want on-off this elist: info@rightsaction.org. WHAT TO DO?: see below.

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Rights Action MEDIA RELEASE - June 21, 2005

MAYAN COMMUNITY REJECTS GOLDMINE: Indigenous communities could force Guatemalan Government to revoke concession

On Sunday June 19, 2005 a consultation of the population of Sipacapa, San Marcos, Guatemala roundly rejected open-pit mining. The consultation was organized by the Community Development Counsels (COCODE), a formal governmental institution set up across the country that has the authority to decide upon issues that effect the development of rural communities, and that has a particular responsibility for and focus on the rights of indigenous peoples.

The COCODEs undertook the consultation initiative in response to community demands to protect their territories against potential harms associated with an exploration license which Guatemala's Ministry of Energy and Mines (MEM) awarded to Canadian mining corporation Glamis Gold.

Sipacapa is a municipality next to San Miguel, San Marcos, where Glamis Gold's subsidiary Montana Exploradora has initiated gold mining activities. Neighboring communities like Sipacapa have already begun to feel the negative impacts, particularly the competition for and contamination of the scarce water resources in these highly populated farming communities.

Though Glamis Gold and MEM attempted to block the communities' right to consultations in two distinct legal actions, the decision of the communities was clearly demonstrated. Organizers estimate that 98% of participants rejected mining, leading 11 out of 12 participating communities to draft community acts banning open-pit mining.

RULE OF LAW versus IMPUNITY

The consultation may be legally binding in Guatemalan law, despite the existence of mining concessions extended by the Ministry of Energy and Mines (MEM). This issue will be decided in the courts over the coming months or possibly years.

This is an important test case for the rights of indigenous peoples. Though the Guatemalan government has ratified International Labor Organization 169, and other international accords protecting the rights of indigenous peoples, virtually nothing has been done to regulate the implementation of the guarantees provided in these accords.

The Law for Development Councils, the legal basis for this consultation process, is the legislation that has most advanced in the codification of indigenous rights.

Both Glamis Gold and the Ministry of Energy and Mines (MEM) were so worried about the communities' right to consultation and potential rejection of the mining concession, that on Wednesday, June 15 they both presented simultaneous lawsuits to stop the consultation. Glamis presented an injunction against the local Mayor in a first circuit court in Guatemala City and the MEM presented a separate lawsuit directly to the Constitutional Court.

Though MEM's petition to the Constitutional Court was rejected, the First Circuit Court in Guatemala City immediately issued an injunction ordering the Mayor to suspend the consultation. This was a completely irregular action for the First Circuit Court to take, given the custom of the courts to allow two weeks to review and respond to such requests.

However, since the COCODEs convoked the consultation, not the Mayor, the activities could proceed without legal impediment anyway. The ruling did cause confusion amongst voters since it was publicized on the radio and on printed flyers widely distributed the days before the consultation.

Though Glamis publicly alleged, in a communiqué with numerous errors, that threats of violence against mine supporters were being employed by consultation organizers, 75 national and international observers from a range of civil society organizations [see Declaration below] received no denunciations of threats and no threats were reported by the Police or the Justice of the Peace.

Changes in mining legislation throughout the region, promoted by the World Bank and Inter-American Development Bank, have resulted in hundreds of new mining exploration and exploitation licenses throughout Guatemala, but as rural, mostly indigenous, communities learn of the licenses that affect them, they are organizing to protect themselves and their way of life.

In the coming weeks we will continue to report on this issue, and to support community efforts to promote and defend their rights to community-controlled development and to healthy and sustainable environmental policies.

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URGENT RELEASE

OBSERVATION OF THE COMMUNITY CONSULTATIONS IN SIPACAPA, SAN MARCOS

On Saturday, June 18, 2005, community consultations were carried out in the communities of the Municipality of Sipacapa, to discuss the acceptance or rejection of mining activity in the municipality. For the event, a group of approximately 75 national and international observers

accompanied these community assemblies.

We, the observers who have participated in this activity, declare:

1. There has been a presence of national and international observers in the 13 communities where the assemblies were held.
2. According to the observers' reports, the assemblies have unfolded normally in all of the communities, according to traditional Indigenous customs and without any significant incident impeding their realization.
3. It is important to stress that even with the confusion surrounding the consultations over the past few days there has been a high degree of participation by both men and women. This confusion was provoked in several ways:
 - a. First of all, the unilateral cancellation of the consultations by the Municipal Government the day before the event was to be carried out. This decision was made unilaterally, despite the fact that commissions formed by the COMUDE (Municipal Development Committee) were responsible for convoking and organizing the consultations. It is important to note that the Municipal Government justified its decision based on a provisional injunction emitted by a low-level court in Guatemala City, without taking into account a resolution emitted by the Constitutional Court, which concluded that the community consultations were, in fact, legal. Supported by the latter resolution, in an ordinary session, the COMUDE and the auxiliary community mayors decided to continue the consultation process with the Sipakapense population.
 - b. Throughout the day preceding the consultations, flyers announcing the official suspension of the process were distributed by children in many communities of Sipacapa. The origin of these flyers is still unknown.
 - c. At the same time, the announcement that the consultations had been suspended was publicized on various community radios, in a clear act of irresponsibility and disinformation.
4. As observers, we have witnessed the overwhelming response of the population of Sipacapa, openly rejecting mining activity in their territory.
5. For all of the above, the national and international observation team considers that today the communities of the municipality of Sipacapa have freely and democratically participated in the consultation process, expressing their decisions regarding mining activity.
6. As the observation team, we declare our support for the legitimate consultation process and demand:
 - a. Of the Municipal Authorities that they ratify the accords of the community assemblies, considering that the mandate of the Municipal Government is to respond to the opinion and decisions of the population.
 - b. Of the national authorities, that they take the necessary measures for the sovereign decision of the Sipakapense people to be respected.
 - c. Of Montana Exploradora, that the company halt its activities in the Municipality of

Sipacapa, considering that the mining activities it carries out do not have the support of the population of Sipacapa.

Sipacapa, San Marcos, June 18, 2005

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RECOMMENDED ACTIONS

Consider coming on Rights Action's July 9-16 educational Delegation-Seminar to Guatemala.

To help build awareness and strengthen work for global justice and equality, consider organizing educational and activist oriented events in your own community.

Consider making financial donations that would support the community development and environmental work of indigenous organizations in Guatemala.

For more info: info@rightsaction.org/ 416-654-2074.

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