

SKYE RESOURCES NICKEL MINING, MAYAN-Q'ECQHI' PEOPLE & THE CYCLES OF LANDLESSNESS, POVERTY & REPRESSION

By Grahame Russell, www.rightsaction.org, December 2006.

[SUMMARY: This article was written after a November trip to El Estor, Guatemala, to investigate recent State repression against Mayan-Q'eqchi' people occurring against the backdrop of the land-owning and mining interests of the Canadian Skye Resources nickel mining company. Feel free to republish and redistribute this article. For more info: info@rightsaction.org]

There are many reasons why Jose Chocoj Pan, a poor Mayan-Q'eqchi' man, was severely beaten by the Guatemalan National Police (PNC) and left for dead in a forest near the Skye Resources mining company, a few kilometers from the town of El Estor, in eastern Guatemala.

The reasons are historical and on-going: related to systemic racism, exploitation and poverty; to systemic repression and impunity of the Guatemalan "security" forces; and to greed and impunity of large landowners, North American mining companies and the Guatemalan and Canadian governments that push relentlessly ahead with a big-business model of "development" behind the backs of and in detriment to the development needs of local populations and the environment.

The story of Jose Chocoj Pan is sad and complicated. It is a common story, and he is lucky to be alive.

In a hut on the edge of El Estor, I sit on a makeshift bed with Arnoldo Yat Coc, a Q'eqchi' man working with the Defensoria Q'eqchi', a community development and indigenous rights organization. The Defensoria Q'eqchi' helped save Jose's life and works throughout the impoverished Q'eqchi' communities of this region, promoting community-controlled development and the environment, educating about and defending the rights of the indigenous communities. Over 90% of the population of El Estor are Q'eqchi'.

In great pain, Jose lies on a makeshift bed. His wife hovers near, talking to him quietly in Q'eqchi', covering him with blankets, helping shift his body position to lessen the pain. With Arnoldo, I have come to learn how the police severely beat Jose and left him for dead in a forest. Arnoldo translates from Q'eqchi' to Spanish.

THE INSTITUTIONS OF LANDLESSNESS, POVERTY AND REPRESSION

On September 19, 2006, Jose went with his family, and dozens of landless Q'eqchi' families, to peacefully occupy a piece of land outside of El Estor known as "La Pista" – by the old landing strip of the Canadian Skye Resources nickel mining company.

In this region, the Q'eqchi' majority lives in conditions of poverty and landlessness. Those that have land in dozens of isolated communities feel threatened by the renewal of nickel mining.

Like throughout Guatemala, the government does little to implement development and land policies owned and controlled by the majority poor. Like the poor in many parts of Guatemala, the Q'eqchi' people are surrounded by vast tracks of unused lands or lands used for cattle production for export.

The largest landowners in this region are two Canadian nickel companies: Skye Resources and INCO. INCO began mining in this region in the 1960s.

Just before INCO's 40-year nickel mining concession ended in 2005, INCO sold its mining interests – not all its land – to Skye Resources, a company INCO helped create. INCO – recently bought by CVRD of Brazil – owns 12% of Skye.

INCO did this legal maneuver, many argue, to avoid pending legal responsibilities with respect to serious human rights violations associated with its mining operation – particularly in the late 1970s, early 1980s – and with respect to cleaning up environmental harms caused by its mining.

WILL THE CYCLES BE UNBROKEN?

The claim that Jose Chocoj Pan and thousands of Q'eqchi' people are making to a piece of land is based firstly on the most obvious and imperative need for survival.

Secondly, they have historical claims. In the late 1800s, vast tracts of land were 'granted' to German immigrants by the racist and repressive liberal government of Justino Rufino Barrios that had illegally expropriated the lands from the Q'eqchi' people.

During World War II, the Guatemalan government expropriated many land-holdings back from Guatemalans of German ancestry.

In 1954, the U.S. government conspired with the United Fruit Company and oligarchy and military sectors in Guatemala to orchestrate the overthrow of Guatemala's only democratic government.

In 1965, INCO acquired its license to mine nickel for of 40 years, in an area of some 400 km². Q'eqchi' communities have valid historical claims to nearly all the lands covered by the license. In its report "Land Conflicts in El Estor, Izabal, Guatemala & the Rights of the Maya Q'eqchi' People", (November 19, 2006), the Defensoria Q'eqchi' writes:

"In 2004, INCO sold its mining 'rights' in El Estor to Skye Resources, but retained title to the lands. INCO returned its mining 'license' (that would have expired in 2005) to the Guatemalan Ministry of Energy and Mines in exchange for a new exploration license covering an area of nearly 250 km².

"This area is mostly on lands possessed by 16 Q'eqchi' communities. No previous consultation with the indigenous communities was undertaken. The communities have repeatedly stated that they do not wish their lands to be mined. The granting of this license represents a clear violation of Convention 169 of the ILO (International Labour Organization), ratified by Guatemala in 1996, an international treaty with the force of law that requires the state to consult indigenous communities when and if mining or other projects would affect their lands or impact their lives."

An honest and functioning legal system in Guatemala - or Canada or the USA for that matter - would likely conclude that the Q'eqchi' people have prior and valid title to most of the lands in this region. They would not be still living in generations of racism, poverty and repression. To survive, they would not have to occupy and re-occupy lands now in the hands of wealthy Guatemalans and North Americans.

RE-OCCUPATIONS & STATE VIOLENCE

During my visit to El Estor, interviewing Jose in his hut, visiting the 're-occupation' communities of Barrio Revolucion and Barrio La Paz, and interviewing leaders of the Defensoria Q'eqchi', I was able to re-confirm what the Defensoria had documented in its November 19, 2006 report "Land Conflicts in El Estor, Izabal, Guatemala & the Rights of the Maya Q'eqchi' People", (November 19, 2006):

"On September 17, 2006 five groups, numbering some 300 families, occupied lands the company claims as its own. Two of the groups occupied lands near Cahaboncito, in Alta Verapaz. Those groups claim that the same lands were taken from them when the mine project was begun over 40 years ago.

"Another group occupied lands near the village of Chichipate, 15 km to the west of the town of El Estor - with similar historical claims. Two other groups, mostly townspeople, occupied an area near the company airstrip and an area to the north of the abandoned company housing complex. INCO's and Skye's representatives in Guatemala filed charges against the groups in September.

"Until November 12, the authorities had not intervened in any of these land occupations, and the total number of those occupying the disputed lands had grown to nearly 1,000 families.

"In the early morning hours of November 11 a group of about 30 families occupied an area across the road from the company housing complex on the outskirts of El Estor. About an hour later, police clashed with the group. A few hours later there was a skirmish with some company employees and at one point a group of persons held a bus transporting CGN workers. ...

"On the morning of Sunday November 12 a prosecutor from the Ministerio Público, Rafael Andrade, arrived in El Estor and - with about 60 police - proceeded to notify the group on the outskirts of the town that they were in flagrant violation of the law and as such had to abandon the site.

"Waldemar Barrera, head of the human rights ombudsman's office in Puerto Barrios (140 km from El Estor), telephoned Arnoldo Yat, Coordinator of the Defensoría Q'eqchi' to inquire about a possible forced eviction. Yat and Fr. Daniel Vogt, Director of the Defensoria, went to the site, questioned the prosecutor about his actions and sought to aid in defusing the situation so that violence would be avoided during the eviction.

"By midday, the group had left the site calmly carrying with them their makeshift materials. However, an ever growing group of townspeople, some carrying machetes, began to gather and throw stones at a pickup truck from the company. ...

"As the day passed, the police went to the site occupied by the airstrip [La Pista], and forcibly evicted its occupants using tear gas. At 7:00 pm, they went to [Barrio Revolucion] Chichipate where they likewise fired tear gas into the settlement to evict its inhabitants.

"In all of these incidents, there were verbal reports of one policeman hurt by a thrown stone, two or three persons arrested and two disappeared (both later discovered: one [Jose Chocoj Pan] was seriously beaten ...; the other reappeared on his own). Groups of people erected roadblocks and burned a kiosk used for training sessions at the office of community relations of the [Skye] company.

"On Monday November 13, representatives from the human rights ombudsman's office and the Defensoría went to the evicted sites and interviewed witnesses about the actions of the police and prosecutor. In the afternoon, there were clashes with groups and police and in the late afternoon, the community relations building and the recently renovated but not yet occupied hospital of the company were burned.

"The police remained in their station as a mob roamed through the town and set fire to one of the local mayor's houses (used for social events). Both Arnaldo Yat and Fr. Vogt received calls and verbal reports that their homes and the office of the Defensoría were going to be burned, and that their lives were in danger."

"In the afternoon of the 15th, Arnaldo Yat and Fr. Daniel Vogt were summoned to appear at the Ministerio Público's office in La Tinta on Friday the 17th to declare as witnesses regarding the disturbances that had occurred. ...

"On the morning of the 17th, upon arriving at the Ministerio Público's office, Fr. Vogt and Arnaldo Yat, accompanied by a representative of the ombudsman's office and their lawyer, met Sergio Monzón, General Manager of CGN [Skye] as he was leaving the same office accompanied by three other men. ...

"Fr. Vogt and Yat met with the prosecutor, Rafael Andrade, the same person who had conducted the forced evictions several days before. He said that Monzón and his companions wanted Fr. Vogt and Yat to be arrested because they are the "intellectual authors" of the whole conflict regarding the company's lands. The prosecutor stated that Monzón and his companions also wanted Fr. Vogt and Yat to be detained immediately under the provisions of laws regarding organized crime.

"Andrade further stated that although Fr. Vogt and Yat had been called as witnesses, they were being investigated as suspects because there was information that was not in the charges filed, which indicated that the Defensoría had fired arms during the disturbances and also instigated the conflict. Andrade stated that he was conducting a full investigation and that for the moment Fr. Vogt and Yat would not be arrested, but that they were under suspicion. Both gave their testimonies as to the events that had transpired.

ONE STORY

Ten days later, in great pain, on his bed, in a hut, on the edge of El Estor, Jose was trying to recount what happened. After being forcibly evicted from their makeshift community in "La Pista", Jose was walking alone along the only road back to El Estor when a truck of police came upon him. They captured him, beat him over his entire body and head, and left him unconscious in the forest.

Regaining consciousness Sunday morning, Jose dragged himself – one good arm – to the edge of the road where he was later found by his son-in-law. Soon after, the Defensoria Q'eqchi' was able to get an ambulance to take him to a health clinic, where he received a cursory examination, given some painkillers and sent home.

He has great pain in his arm and leg; perhaps he has fractures that were not properly diagnosed. Rights Action was able to provide him with some emergency funds for immediate family needs and to go again to see a doctor.

Jose' family rents their tiny home for Q150 / month (\$20). Twice, they have been evicted because they couldn't pay the rent. They have no land. There is no work. Their future was grim before and is now grimmer. Soon, they will return to re-occupy La Pista, along with many other Q'eqchi' people who also have no other survival options in life.

In a visit to Barrio Revolucion, we stood in a huge field of makeshift huts with porous bamboo walls and blue nylon sheet "roofs" flapping in the wind. Here we heard the same stories from the Q'eqchi' families who have nowhere else to go in life, though no one was beaten as badly as Jose this time.

They have already come back to build their huts and plant their corn.

LITTLE HOPE IN THE NEAR FUTURE

There is little hope in the immediate future. The people of Barrio Revolucion, Jose and his family, and thousands more, don't know what the company, government and "security" forces will do next, but they have no where to go. And they know that long before the wealthy outsiders came, these were the lands of their grandparents.

Skye Resources, for now, is refusing to negotiate with the communities or attend mediation meetings hosted by the National Congress and the Catholic Church. It is a sad and ironic twist that these people are not 'anti-mining' as they are being labeled. There are many groups and organizations in Guatemala that are openly opposed to the harms and violations caused by the global mining industry, but the position of these communities is clear – they need and deserve land.

The cards are all in the hands of the company, the "security" forces, and the Guatemalan and Canadian governments. The majority Q'eqchi' people have nothing, except their need, knowledge and dignity. They have no where to go and will fight for their rights until they are respected and guaranteed.

PARAMILITARIZATION OF CONFLICT

In El Estor itself, a minority of the population, mainly the small business sector and the Mayor's office, are in favor of the mine; some of the few Guatemalans who will reap any economic gain from the project.

On Wednesday November 22, 2006, a group called the "civil society of El Estor" paid for an open letter – "El Estor United Against the Violence and Vandalism" – to be published in the Prensa Libre, the most widely read newspaper in Guatemala.

Allegedly comprised of "business people, hotel owners, honorable persons and members of the civil society", the "civil society of El Estor" (no names were mentioned) condemned the "vandalism and violence" that occurred on and against the property interests of Skye Resources. Calling themselves "members of the Mayan culture Q'eqchi'", and referring to El Estor as "Land of Nickel", the "civil society of El Estor" said that as a

"contribution to the solution of this problem, [we have] has organized [our]selves into a group of Civil Patrollers. The Civil Patrols will work together with the public security forces (National Civil Police and Army) to re-establish order and maintain the peace in our municipality."

This statement serves as a threat against anyone – indigenous or non-indigenous – who opposes the mining operations. The words "Civil Patrols" intentionally and provocatively invokes memories of the "Civil Defense Patrols", paramilitary groups created to be the "eyes and ears" of the Army throughout Guatemala. In the 1980s, Civil Defense Patrols carried out some of the worst atrocities during the years of State repression and genocide – including scorched earth campaigns of massacring entire villages.

Supposedly disbanded at the signing of the 1996 Peace Accords, Civil Defense Patrols are still operating in certain regions of the country. It is a serious and worsening turn of events that the "El Estor civil society" has formed "Civil Patrols".

WHAT THE CARD-HOLDERS MUST DO

Skye Resources must take immediate actions to prevent the bad situation from getting worse. Firstly, Skye must publicly denounce and disassociate itself with the decision of the El Estor civil society to form Civil Patrols and work with the Police and Army. Second, Skye must publicly denounce the illegal, violent evictions. While Skye did not carry out these evictions, it is the only direct beneficiary of these abusive policies and actions.

Thirdly, Skye must participate fully and openly in all mediation efforts – including sessions of the National Congress and Catholic Church – and take the time necessary to hear all the denunciations and needs of the local majority population and contribute to efforts to resolve all the needs and demands.

Skye did not create the underlying exploitations, landlessness, racism and repression, yet Skye has chosen to do business in a complex and unjust situation. By its very operations, Skye is a participant in the problems.

The Canadian government must act immediately. Instead of consistently promoting and defending the interests of North American mining companies and investors, the Canadian government must comply with its obligations under the United Nations Charter and major international human rights treaties and covenants, and promote and defend the human rights of all people, in all countries – particularly in a case like this when Canadian public and private interests are direct contributors to and beneficiaries from this unjust mining business operation.

The Canadian government should denounce the increasing militarization and para-militarization (with the creation of Civil Patrols) of El Estor, should denounce the illegal and violent evictions, and should itself participate in public mediation and negotiation processes to find comprehensive solutions to the multi-faceted problems of El Estor.

Canadian investors and shareholders must demand assurances from their investment institutions (like the Canadian Pension Plan and multiple Mutual Funds) and from the company itself, that any nickel mining in El Estor be done in a way that protects, defends and promotes the rights of all people in El Estor, prioritizing the rural Q'eqchi' communities, and protects the environment.

NOT A TICKING TIMEBOMB

The situation in El Estor is not a ticking time bomb. It is already an unjust situation; the poverty and landlessness is happening; the mining company is encroaching on more and more communities; the repression is happening, with impunity.

This bad situation may well get worse, unless the major card-holders – Skye Resources, the Canadian and Guatemala governments, the Army and Police – suspend the mining preparation work, suspend forced evictions, and engage in an honest and public discussion with the whole population of El Estor, prioritizing the Q'eqchi' communities who have suffered and lost so much for so long, and may lose the tiny bit they have left.

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WHAT TO DO:

Please write your own short letters to the company and your politicians, insisting on the steps set out above, at the end of the article:

Ian Austin, President and CEO

Skye Resources
Suite 1203-700 West Pender Street
Vancouver, BC, Canada, V6C 1G8
info@skyeresources.com

With copies to your own politicians.

With copies to: Better Business Bureau, Vancouver, inquiries@bbbvan.org; Business and Human Rights Resource Centre, contact@business-humanrights.org; INCO nickel company, General Inquiries, inco@inco.com; INCO, Investor Relations, investor@inco.com; INCO, Media Relations, media@inco.com.

TO SUPPORT THE MAYAN-Q'EQCHI' COMMUNITIES & for MORE INFORMATION:

info@rightsaction.org, www.rightsaction.org.

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