

January 28, 2007

GUATEMALA: Glamis Gold/ Goldcorp mining company on-going problems

BELOW: a series of article: an independent study shows contamination in Tzala River in Sipakapa, San Marcos; gold company and Government attack the study; the study author responds; Amnesty International denounced threats against author of the study;

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Rights Action writes:

Do you know where your investments are? The CPP (Canadian Pension Plan) is a major investor in the Glamis Gold and Goldcorp mining companies.

Do you know what your politicians are doing? The Canadian and US governments are 100% backers of the global mining industry, despite constant denunciations of serious environmental harms and human rights violations caused by the North American mining industry.

Independent biologist Flaviano Bianchini came to Guatemala a year ago to work with the well-known environmentalist collective MadreSelva to support mining-affected communities to monitor their water sources and determine heavy metal and cyanide levels in local rivers, streams, wells, etc. Over the past year, he has done amazing work, supporting community-based organizations affected by metallic mining in Guatemala, Honduras and El Salvador.

One study in mid-2006 analyzed water and blood samples in the region affected by the San Martin gold mine (owned by Goldcorp, which took over Glamis Gold) in the Siria Valley in Honduras, encountering highly dangerous levels of arsenic and lead in the blood of adults and children who had been drinking contaminated water from a company-built well. The published results generated much more discussion, awareness and concern about the environmental and health impacts and ultimately contributed to both Siria Valley community-related activism and to the October 2006 Honduran Supreme Court decision recognizing the harmful impacts of metallic mining and declaring 13 articles of the General Mining Law unconstitutional.

Late last year, in collaboration with the communities of Sipakapa affected by Goldcorp's Marlin mine, Flaviano Bianchini gathered samples from the Tzala river and upon analyzing them found evidence of acid mine drainage.

The study included various samples from the Tzal· river, both upriver and downriver of the area of mining influence. While the results from the samples upriver were all within international norms, high levels of copper, manganese, iron and aluminum were found in the samples downriver ñ in the case of copper, up to almost 80 times the World Bank guidelines. The study concludes that the differences are the result of the initial stages of acid mine drainage and outlines the negative impacts on health that may be provoked by high concentrations of the heavy metals found in the Tzal· river.

The study has generated much discussion and controversy in Guatemala and, more recently, fierce company and government attacks on the study, its results and the author, who has been receiving public threats of criminal charges by governmental authorities, as well as anonymous intimidating phone calls.

BELOW, YOU WILL FIND (IN CHRONOLOGICAL ORDER) TRANSLATIONS (BY RIGHTS ACTION) OF:

- *** A ñTechnical Clarificationñ on the study by Montana Exploradora, subsidiary of Goldcorp;
- *** A January 8th, 2007 email from Vice Minister of Energy and Mines Jorge Antonio Garcïa Chiu to San Marcos Bishop Alvaro Ramazzini;
- *** Study author Flaviano Bianchiniís response to the Vice Ministerís message;
- *** a January 12th press release by the MadreSelva collective, circulated after their press conference in Guatemala city.

Below that: an Amnesty International urgent action about threats against Flaviano Bianchini.

WHAT TO DO & FOR MORE INFORMATION:

Communities and grassroots organizations affected and threatened by North American mining interests need ongoing funds and support for their work ñ activism, legal actions, monitoring, etc. Rights Action can help channel your funds directly to communities and organizations working on these issues in Guatemala, Honduras and El Salvador:
info@rightsaction.org www.rightsaction.org

TECHNICAL CLARIFICATION Ö by Montana Exploradora de Guatemala, S.A. (formerly owned by Glamis Gold, Montana is now a subsidiary of Canadian mining company Goldcorp). This was published by the company in the Prensa Libre newspaper in January 2007 and has been circulated by the company.

QUALITY OF WATER OF THE TZALi RIVER IN THE DEPARTMENT OF SAN MARCOS
This technical clarification has been elaborated to provide real information about the water quality of the Tzal· river in the

department of San Marcos, in response to the report by Mr. Flaviano Bianchini, who presumes that the river has been affected by Acid Rock Drainage (ARD) from the Marlin mine.

Mr. Bianchini's report is based on a sole sample taken on November 24, 2006 and refers specifically to the alkalinity of the water (pH), Aluminum (Al), Copper (Cu), Iron (Fe) and Manganese (Mn).

In this context, it is important to explain that the staff and consultants of the Marlin mine have taken more than 40 samples in different points along the Tzal river from July 2002 to date. The SW1 point is located in the Tzal river upstream from any mining influence. Point SW1-2 is between SW1 and SW2. All of these points are also affected by impacts other than mining, such as public roads, agricultural land plots and others. Aside from the more than 40 samples taken by mine personnel, the Environmental Monitoring Association (AMAC), an independent water-monitoring body, has taken trimestral samples during 2006.

The body of data gathered by the Marlin mine and AMAC on water quality from July 2002 to date includes more than 40 separate samples and was completely revised regarding the pH, Al, Cu, Fe and Mn. Water quality was measured according to the parameters established in:

1. The Ministry of the Environment and Natural Resources (MARN)'s regulations for the Release and Reuse of Residual Waters and the Disposal of Muds
2. The World Bank (IFC)'s guidelines for effluents, and
3. Water quality upstream versus water quality downstream (SW2 vs. SW1).

From this revision, five points are established:

1. Mr. Bianchini's report does not include a description of the processes, protocols or procedures for the acquisition of samples, nor of the chain of custody, nor does it include the certifications of the laboratories where the analyses included in his report were carried out.
2. Water quality in the Tzal river has never exceeded the aforementioned guidelines for pH, Al, Cu or Mn. In the case of Cu, not only have the results never exceeded the applicable norms, but Cu has also not even been detectable in more than 60% of the 40 samples.
3. Water quality in the Tzal river, according to existing data, has exceeded the World Bank limits for Fe on only two occasions. In both cases, the excess occurred during the rainy season and was present both upstream and downstream for the area of mining influence. Furthermore, the first case occurred in August 2003, which was prior to the existence of the mine or the construction of the mine. This indicative result further demonstrates that the excess Fe was not related to the mining activities.
4. An important change or tendency in the pH, Al, Cu, Fe or Mn levels

between the upstream and downstream monitoring points was not indicated in Mr. Bianchini's report.

5. The samples and measurements of water quality done by the independent entity differ from the results presented in the document elaborated by Mr. Bianchini.

For all of the above, it is clear that the report elaborated by Mr. Bianchini is not technically valid, as there is no acid drainage from the Marlin mine affecting the Tzal' river. Also, it is important to point out that neither the Ministry of the Environment and Natural Resources (MARN) nor the globally accepted World Bank guidelines have contemplated any norm or guideline for Al or for Mn. According to the World Health Organization (WHO)'s 'Guidelines for Drinking Water Quality' (3rd edition, 2004), aluminum is the most abundant metallic element and constitutes approximately 8% of the earth's crust.

According to the same report, Mn is also one of the most abundant elements in the earth's crust and is an essential element for humans and other animals. The World Health Organization (WHO)'s guideline for Mn is 0.4mg/L, although it is incorrectly expressed in Mr. Bianchini's document as 0.05mg/L. Additionally, the WHO's drinking water guidelines are not applicable to the Tzal' river, since Guatemala already has standards previously established by MARN, that are also supported by the universally known standards established by the World Bank. The USEPA considers that Mn is an element that possesses potential that is only cosmetic or for aesthetic effects.

The database of Marlin-related water quality data and graphics for pH, Al, Cu, Fe and Mn are attached.

For more information and clarifications, please contact us at (502) 2329-2600 or 2329-2652.

A January 8th, 2007 email from Vice Minister of Energy and Mines Jorge Antonio García Chiu to San Marcos Bishop Alvaro Ramazzini:

Dear Bishop Ramazzini,

Here's hoping that you are well and that 2007 brings you many blessings. I respectfully direct this message to you with regards to the supposed acid drainage caused by the Marlin mine in the Tzal' river. We have coordinated the gathering of samples together with the University of San Carlos and hope to get them back this week. However, I am worried by the speculation that is developing around a pseudo-study that isn't scientific whatsoever.

It is important to take into consideration the fact that acid mine drainage is produced ñ when the correct precautions are not taken ñ after 40 or 50 years. Furthermore, it is produced from the waste dump or the tailings deposit; however, in this case neither are within the Tzal· river basin.

Acid drainage produces a Ph of 3.0 or less, while that of the Tzal· river stands at 8.0; it is alkaline, not acidic.

Even without the laboratory results I dare to affirm that there is no acid drainage problem generated by the mine. Technically speaking, it would not be produced now and even then not in the Tzal· river. The author of the study is a known to be deceitful and has been doing the same in countries in Africa and now in Honduras and Guatemala.

I will personally request that an investigation into the crimes committed by the people and organization that elaborated the study with clearly altered data in order to formally denounce them. It is not possible to permit that conflictivity in the country be increased by people who resort to all kinds of lies and who take advantage of the good faith of those who look after the interests of the country and the population in general.

Please ñ if I can help with anything regarding the issue at hand, donít hesitate to contact me.

Sincerely,
Jorge Antonio Garcìa Chiu

RESPONSE by Flaviano Bianchini TO THE VICE MINISTER OF ENERGY AND MINESÍ
LETTER

1. ìI am worried by the speculation that is developing around a pseudo-study that isnít scientific whatsoeverî

It is not a pseudo-study. The data are scientific and technical evidence, collected and analyzed by internationally recognized scientific personnel.

What is worrisome in this case is the disqualification ñ with no scientific basis ñ by a Vice Minister.

2. ìIt is important to take into consideration the fact that acid mine drainage is produced ñ when the correct precautions are not taken ñ after 40 or 50 yearsî

There are many studies (De Toro; 2003. Sobek A. et al.; 1978. Arnesen R.T. & Iversen E.R. 1997. Aubertin M. et al. 1996. Zinck J.M. 1997.) that show than acid mine drainage can also occur in few years

(especially with the presence of certain bacteria).

3. [Acid mine drainage] is produced from the waste dump or the tailings deposit; however, in this case neither are within the Tzal· river basin

Acid drainage can occur in any place where the sulphuric rock is in contact with air and water. The mine's waste rock is in the Tzal· river basin. This rock is what the company calls 'sterile rocks', but those who have experience with the issue know very well that nothing in nature is sterile.

4. Acid drainage produces a Ph of 3.0 or less, while that of the Tzal· river stands at 8.0; it is alkaline, not acidic

The fact that the Vice Minister writes Ph and not pH indicates that he know little on the subject. pH means potential of Hydrogen; thus, it is written pH and not Ph. A pH of 3.0 or less is the final stage of acid drainage.

Water does not go from a pH of 8.0-9.0 to a pH of 3.0 overnight. Acid drainage is a gradual process that occurs over a long period of time. In this case, the water's pH is 8, but this is lower (more acidic) than the pH of both the base line values and of the water upstream. This means that the acid drainage is in its initial phase, when the pH begins to drop. In several years, it is probable that the pH decrease to values as low as 3 or less. It is also important to mention that pH is a logarithmic scale and in this case the pH of the downstream water is 0.3 lower than the water upstream. This means that the water downstream is 1.5 times more acidic than the water upstream.

Furthermore, the value referred to, to determine acid drainage is only the pH, but other characteristics of acid drainage also include the increase in sulfates and of heavy metals. In the water in question, the sulfates downriver are double what they are upriver and the concentration of metals is up to 30 times higher.

5. Even without the laboratory results I dare to affirm that there is no acid drainage problem generated by the mine

If the Vice Minister does not yet have scientific proof (laboratory results), how can this be affirmed? How can someone speak of science (see

#1) when they come to conclusions without evidence?

We are presenting data, numbers, scientific evidence. The Vice Minister is only presenting assumptions without evidence.

6. The author of the study is a known to be deceitful

This is libel. In Europe a statement of this sort by a Minister or

Vice Minister would be enough to relieve the person of their post. And this declaration is enough to formally accuse the Vice Minister of libel.

7. [The author of the study] has been doing the same in countries in Africa and now in Honduras and Guatemala

The author has never worked in Africa. This is another unfounded statement.

Who is deceitful now?

8. I will personally request that an investigation into the crimes committed by the people and organization that elaborated the study

A crime (delito) is defined as a type of conduct (defined by law) against the law, guilty and punishable. It assumes an infraction of penal law ñ an action or omission defined by and punishable by law. (Source: Diccionario de la lengua española, unofficial translation)
Where is the crime in a technical study?

9. clearly altered data

Once again, the Vice Minister resorts to libel. Just as in #5, an accusation with no evidentiary basis is being made against something that has been scientifically demonstrated.

10. It is not possible to permit that conflictivity in the country be increased by people who resort to all kinds of lies and who take advantage of the good faith of those who look after the interests of the country and the population in general

It is the Ministry of Energy and Mines that has been increasing the conflictivity in the country by granting concessions in indigenous territories, without considering the popular consultations and without evaluating the land situation in places like El Estor, where the mining concession granted by the Ministry of Energy and Mines is worsening the land conflict in the area.

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Flaviano Bianchini

MadreSelva collective

TO NATIONAL AND INTERNATIONAL PUBLIC OPINION

In December 2006, the MadreSelva collective denounced to the Ministry of Energy and Mines (MEM), the Ministry of the Environment and Natural Resources (MARN), the Ministry of Public Health and Social Assistance and the Public Ministry (justice system) the contamination of the waters of the Tzal river, industrial contamination, damages to health and to the environment by the mining activities carried out by the Montana Exploradora company, a subsidiary of the multinational Goldcorp company, in the municipalities of Sipakapa and San Miguel Ixtahuac in San Marcos.

This action by our organization does not constitute any crime; we are exercising our Constitutional rights as citizens. Our denouncement was based on a technical-scientific study. Nevertheless, the reactions from the Ministry of Energy and Mines and the mining company have been irrational, to the extreme of announcing that they will investigate the technical personnel of MadreSelva that carried out the study and that they will denounce them for fraud to the public prosecutor's office, distorting the main issue at hand, which is the water quality and the protection of the health and life of people.

The MadreSelva collective also rejects any suggestion of involvement in acts of violence that may occur because of the presence of metallic mining exploitation activities in the municipalities of San Marcos. We hold the government responsible for any act of intimidation, repression or threats against members of our organization or of affected communities.

Faced with these attempts to criminalize demands and social protest ñ characteristic of this government ñ we request the solidarity and support of social, national and international organizations, with the understanding that we will continue to question the policies of the current government, imposing projects against the will of the citizens of this country.

Guatemala, January 12, 2007.

26 January 2007

GUATEMALA: THREATS AGAINST FLAVIANO BIANCHINI, ENVIRONMENTAL ACTIVIST

Environmental activist Flaviano Bianchini has reportedly received a series of anonymous telephone calls, and has been kept under surveillance. Amnesty International believes that his life may be in danger.

Flaviano Bianchini, an Italian national, is working as a volunteer for the Guatemalan environmental group Colectivo MadreSelva, which is investigating the effects of mining on the environment.

At a press conference in Guatemala City on 5 January, he presented a report on the contamination allegedly caused by a gold mine [Glamis Gold/ Goldcorp] to the Tzala River in Sipakapa, San Marcos department. The report alleges that the river, which is the main source of water for indigenous people in the region, has been contaminated with heavy metals. This was reported in the national press the following day.

On 10 January allegedly at a press conference, a government official reportedly told journalists that five criminal charges against Flaviano Bianchini and MadreSelva were going to be presented to the Public Prosecutor's Office.

Two days later Flaviano Bianchini received an anonymous call to his mobile phone from a man who asked repeatedly, Quien es? Quien es? ('Who is it? Who is it?'). On 13 January he received another anonymous call to his mobile phone, from a man who repeated the word Cuidado, cuidado ('Be careful, be careful') before hanging up.

On 14 and 16 January, he received identical calls. After the second of these calls, when Flaviano Bianchini returned to his home at 8pm he noticed a grey Hyundai car with tinted windows parked directly outside his apartment. He went in, and went up to the roof to look at the car again, but when he got to the roof the car was already pulling away.

On 17 January Flaviano Bianchini received a third identical call. When he left his house at 8.30am the next morning he found the same grey Hyundai car outside. As soon as Flaviano Bianchini opened his front door it drove off.

He received a fourth identical call on 19 January at 4pm. At 6pm, while he was shopping in Guatemala City, he noticed a man dressed in black with a cap pulled down to hide his face. Fearing that he was being followed, he took a roundabout route to the next shop he was going to, but the man allegedly followed him all the way. Flaviano Bianchini remained inside the shop for half an hour, and when he went

back out onto the street, the man was gone.

On 21 January Flaviano Bianchini returned to his apartment at around 9pm, and noticed the same grey Hyundai car parked on the corner of his street, level with his apartment block. He went up to the roof to look again, and as before, saw the car pulling away.

On 24 January Flaviano Bianchini returned home at 8pm, and found the same car parked opposite his apartment, which again pulled away as he reached the roof. The next morning he received another anonymous phone call. This time the caller told him, deje de chingar (''Stop fucking around'').

BACKGROUND INFORMATION

Flaviano Bianchini has been investigating the effects of mining on the environment in Guatemala, Honduras and El Salvador. On 19 December 2006 the Madre Selva Collective presented a complaint to relevant ministries regarding the alleged contamination of the Tzala River, based on Flaviano Bianchini's study.

The Inter-American Human Rights Commission ordered the government to provide police protection to members of Madre Selva in October 2005, after the organization suffered intimidation, threats and attacks as a result of their work to protect the environment. They have campaigned actively on issues relating to the alleged damaging effects of mining in Guatemala.

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WHAT TO DO:

Upon request, Rights Action can forward extensive information on the harms and human rights violations associated with gold mining, by Glamis Gold [now Goldcorp], in Honduras and Guatemala.

* A principal line of work in favour of global justice, equality and the environment is to fund and support local organizations leading their own struggles in defense and promotion of development, the environment and human rights;

* Get involved in education and activism work in your home community concerning the negative impacts of North American investors and mining policies on community-controlled development, the environment and the human rights of local populations in Guatemala, Honduras, Haiti, Chiapas, El Salvador;

* Consider coming to these counties on an educational-activist delegation and invite us to give educational presentations in your home community;

* Get on our e-mail and snail-mail lists.

TAX-DEDUCTIBLE DONATIONS: Make check payable to "Rights Action" and mail

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www.rightsaction.org.

QUESTIONS: info@rightsaction.org; www.rightsaction.org.

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