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THE NEGATIVE IMPACTS OF THE GOLDCORP/MARLIN MINE IN MAYA MAM AND SIPAKAPENSE TERRITORY

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With: Rights Action / Derechos en Accion

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English. Attached = original Spanish version, with photos)**

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1. INTRODUCTION

Over the last few years, as transnational companies, in the race to increase profits, expand their markets throughout the world, there has been growing interest in mining exploration and exploitation in Latin America. This area, which offers cheap extraction of basic materials and a cheap labour force, is the ideal place for the transnationals to fill their coffers.

With the rising prices on world markets, Latin American countries, sponsored by the World Bank, have introduced legislation that favours mining investment. Guatemala, Honduras, Mexico and other countries have granted several hundred mining concessions, mainly to American and Canadian transnational companies.

There have been many cases of violations of human rights related to mining activity, and at the same time, there have been many protest and resistance actions on the part of campesinos and indigenous peoples affected by mining exploration and exploitation.

The objective of this report is to disseminate information on the impact of gold and silver exploitation in indigenous territories in Guatemala, specifically in the case of the Goldcorp Inc. "Marlin" mine in San Marcos. This project serves as an example of the numerous mining projects that are seriously impacting indigenous communities at this time.

The fundamental human rights of indigenous peoples are being violated. Mining is affecting their capacity to grow crops to sustain their families and their culture. As well, the serious impact of mining on the health of the population is a violation of the right to life.

All of this creates an atmosphere of conflict, which, in turn, generates murders and clashes with a discriminatory judicial system that favours the power elite. The social fabric is breaking down and communities, even families, are divided. Serious violations of human rights, including forced evictions, have led to the disintegration of communities.

2. NEO-COLONIALISM, PLUNDERING AND AGGRESSION IN INDIGENOUS TERRITORIES BY TRANSNATIONALS

2.1 VIOLATION OF LAND RIGHTS

The Goldcorp Inc. / Marlin project is a gold and silver mine located in the north-east of the Department of San Marcos, Guatemala, in the highlands of the Municipalities of San Miguel Ixtahuacán and Sipacapa.

The population of San Miguel Ixtahuacán is 95% indigenous Mam and the population of Sipacapa is 95% Sipakapense. San Miguel Ixtahuacán has some 39,000 inhabitants; 97.47% of the population lives in poverty and 81.06% lives in extreme poverty. The population of Sipacapa is 14,000, of which 97.63% lives in poverty and 80% lives in extreme poverty. Illiteracy stands at 50% in both populations. ("Mining Activity in Guatemala", report by the Human Rights Ombudsman, Guatemala, 2006, p. 19).

The population is made up of campesinos who depend on their corn and bean crops for survival. The area is mountainous and is very important, both ecologically and socially, given that it is a water reserve area for many communities.

The mining exploitation concession covers an area of 5 square kilometers, of which 85% belongs to the Municipality of San Miguel Ixtahuacán and 15% to the Municipality of Sipacapa.

MINING LAW "REFORM"

In 1997, the Guatemalan Congress approved a change in the Mining Code to favour direct foreign investment. The new law reduced the percentage of royalties that a company must pay to the State from 7% to 1%.

Thus, in the case of the Marlin mine, Goldcorp Inc. pays only 1% of its total production from mining exploitation in royalties (0.5% to the State and 0.5% to the Municipality). (Paley, Dawn, "Turning Down a Gold Mine", The Tyee.ca, February 7, 2007, p. 2)

As well, Decree Number 49-97 of the Mining Law allows foreigners and foreign institutions to own up to 100% of the property of a concession and as well, it eliminates import tariffs on mining machinery.

These changes in the Mining Code create an ideal situation for transnational companies. Consequently, foreign companies are initiating many mining operations in Guatemala. The Marlin mine was the first to begin operations under the new law.

In 1998, a Canadian company, Francisco Gold, completed the exploration phase of the Marlin mine and began to buy parcels of land from local campesinos. In 2002, Glamis Gold, a Canadian company, became involved in the project when it merged with Francisco Gold. In November 2003, the Guatemalan Government approved a

viability study and granted a mining exploitation license to Glamis Gold for a period of 15 years. For its operations in Guatemala, Glamis Gold formed a subsidiary company called Montana Exploradora de Guatemala S.A. In January, 2004, construction began on the mining installations. In April of the same year, the company increased its budget, the capacity of the mine, as well as its yearly gold and silver production forecast.

WORLD BANK INVOLVMENT

In June 2004, the World Bank, through the IFC (International Finance Corporation), its private sector branch, granted a loan of \$US 35 million and a liquid investment of \$US10 million to Glamis Gold. Mining operations began in December, 2005.

Montana intends to produce 250,000 ounces of gold and 3.6 million ounces of silver annually during the useful life of the mine, (10 years), and they intend to extend the area presently occupied by the mine (Paley, p.2).

In 2006, Glamis Gold and Goldcorp Canada merged, thereby establishing one of the largest gold mining companies in the world.

2.2 LACK OF CONSULTATION: VIOLATION OF THE RIGHT TO FREE, PRIOR, AND INFORMED CONSENT

The peace process in Guatemala culminated with the signing of the Peace Accords in December, 1996, introducing a formal cease fire to end the armed conflict that the country had experienced for 36 years, a period during which indigenous people suffered genocide, with more than 250,000 mostly civilian deaths, 96% of which were perpetrated by the National Army.

As part of the peace process, the State of Guatemala signed and ratified ILO Convention No. 169 concerning the rights of indigenous and tribal peoples in independent countries. According to the Constitution of the Republic, ILO Convention Number 169 takes priority over internal legislation.

According to ILO 169, before approving any project, law, or decree that can affect an indigenous people, the State must consult the people in question and respect the communities' right to be informed. ILO 169 also contains a specific Article concerning cases in which the State is the owner of subsoil resources, as in Guatemala. The Article stipulates that before granting permission for any prospecting or exploration programme, the State must consult the people who may be affected by the project, to determine what negative impacts could occur.

Goldcorp, the present owner of Montana Exploradora, assured the Canadian independent journalist, Dawn Paley, that "a proper, documented consultation was carried out with the local communities and information campaigns continue to be an important part of our attempt to have good relations with the communities." (<http://www.thetyee.ca/News/2007/02/07/MarlinProject>)

Not only is the State of Guatemala obliged, through its ratification of ILO Convention No. 169, to consult the people affected, the World Bank also, through its own internal protocols, is obliged to ensure that indigenous peoples affected by any project are consulted before the Bank grants financing. Indeed, the Montana Company had to demonstrate to the World Bank that the indigenous peoples affected by the Montana project had been consulted.

Given that the Guatemalan Government did not, in any way, implement, regulate or live up to its obligations, no doubt, Montana's motivation to carry out the so-called "consultas" was to satisfy the World Bank's pre-requisites.

The Mam and Sipakapense indigenous communities of the Municipalities of San Miguel Ixtahuacán and Sipacapa in San Marcos have clearly stated that they were never consulted by the Government or by the Company. According to people in the local communities, when the Company first arrived in the area, they carried out a series of presentations on the benefits of mining. According to Glamis Gold, between September and February, 2003, the company held 74 meetings with 4, 617 people in San Miguel Ixtahuacán and Sipacapa and these meetings are proof that consultations were carried out. Lunch was served at the meetings, and those who ate the lunch were asked to sign a list. Community members say that these lists were then used by Montana/Goldcorp to prove to the Government and the World Bank that they had consulted the local communities.

On December 8, 2003, the Municipality of San Miguel Ixtahuacán passed an act of approval to endorse the mining activities of the Marlin Project. The act was signed by members of the municipal council and the signatures of mayors of local communities were attached on a separate sheet. Those whose signatures were attached to the act now say that they were deceived, as they were never informed of the content of the act. This document was submitted to the World Bank as proof that local communities had been consulted.

However, it is interesting to note that in the year that these consultations were carried out, 2003, Glamis had already completed the exploration phase of the project. Indeed, the company had been busy acquiring parcels of land. Since 1999, representatives had been visiting local people, one by one, to pressure them to sell their land. According to leaders in affected communities, the dates of the public consultations coincide with the period during which Glamis was already negotiating financing with the World Bank rather than with the period preceding the granting of the concession.

Since no public consultation had been carried out in the Municipality of Sipacapa, the community organized their own referendum on June 18, 2005. Thousands of people participated, and they voted to reject mining activities on their territory. The legality of the Sipacapa referendum was held up in the Constitutional Court for two years, despite its clear legality according to ILO Convention No. 169, the Constitution of the Republic, the Municipal Code and the Decentralization Law, which allows for Urban and Rural Development Councils.

On May 8, 2007, the Constitutional Court declared that the Sipacapa referendum was legal but not binding, on the basis that, in Guatemala, there is no legal framework of regulation of such referendums.

An inhabitant of San José Ixcánichel explained that in the Municipality of San Miguel Ixtahuacán "there was no dialogue and no consultation with the communities about the company coming here. The public was not consulted. That is why we are very upset and concerned..., because these people have money, they are millionaires. They can do what they want. They don't care about our life."

The "consultations" carried out by Glamis were not government organized neutral events. Actually, they were seminars held by the mining company to inform people of the so-called benefits of mining. (Holt-Giménez, Eric, "Glamis Gold, the IFC and the News Media, a review of the EIS on the Marlin Mine", WBIC, September, 2005, p.7)

In January 2007, the Office of the Human Rights Ombudsman of Guatemala published its annual report for 2006, in which it was confirmed that the rights of indigenous communities had been violated. According to the report:

"In the absence of a policy that obliges government organisms to consult indigenous peoples, opposition to metal mining exploration and exploitation has increased. Indigenous peoples have initiated their own referendum and have submitted the results to government authorities but have received no response. The [mining] licenses have not been revoked."

In November, 2004, *La Prensa Libre de Guatemala* published the results of a survey of 400 inhabitants of San Miguel Ixtahuacán and Sipacapa concerning the installation of the mine in the area. 95.5% of those surveyed oppose the mining project. Only 4.5% support the project. The mine was rejected by 96% of men, 94% of women, 95% of indigenous people and 94% of ladinos. As well, 85.75% of those surveyed considered that gold extraction would cause harm to the area while only 8.75% considered that mining would bring prosperity. ("Rechazen actividad minera en San Marcos", *La Prensa Libre*, November 4, 2004).

On September 7, 2005, in response to a complaint from MadreSelva, the Office of the Compliance Advisor Ombudsman (CAO) of the IFC published an assessment report which included the following observation:

"The absence of clear government regulations has resulted in uncertainty for both the investor and the local people about the extent to which they should have been informed and consulted about mining. [...] Without endorsing either perspective, it appears that they (the mine supporters, including the World Bank) were informing the people about the imminent project ... whereas the people of Sipacapa believe they have the right to determine whether the project should be approved or not in their territory."

Given the facts, and this statement by the CAO, it is clear that, for the mining company and for the World Bank, consulting the people does not mean taking their opinion or their wishes into account.

2.3 DISHONEST ENVIRONMENTAL IMPACT STUDY

The World Bank requires that indigenous populations be consulted and as well, it requires that a project have no negative impact on the environment, according to regulations set by the national government. Thus, Goldcorp / Montana was obliged to submit an Environmental Impact Study (EIS) to the World Bank. ...

The EIS was carried out without the participation of the local population. People in the area say the study is dishonest, and an independent consultant says it is inadequate and unrealistic. The Government of Guatemala approved the EIS submitted by the mining company before construction and mining operations began.

However, Dr. Robert Moran, an engineer, reviewed the EIS and concluded:

"To sum up, the EIS deals with some possible, minor impacts of the project in a very simple and optimistic way, but it fails to describe in a realistic way the very significant and costly environmental impacts and potential impacts that frequently result from similar modern mining exploitation. Thus, the technical information on which Guatemalan Government agencies based their approval of the project is totally inadequate."

Moran's report pointed out that the Marlin project EIS, although it is 540 pages long and includes 2000 pages of appendices, does not deal with any basic technical details and that this EIS would not be acceptable in northern countries such as those of the European Union, or the United States and Canada.

Besides submitting an inadequate EIS to the Guatemalan government, the company deceived the people of San Miguel Ixtahuacán and Sipacapa, especially those who owned land where the company wanted to construct the mine. They lied to them and tricked them in order to convince them to give up the title to their land.

2.4 MANIPULATIVE LAND ACQUISITION

In San Miguel Ixtahuacán and Sipacapa, as well as in many other communities of the highlands of Guatemala, there is an ancestral collective land title in the name of the people of San Miguel. Land title cannot be registered at the municipal level. Individual or community land ownership is dealt with on the local level. People have hereditary rights to the land and these rights come down to them from many generations who were born on the land, cultivated it and died on it. Normally, contracts to buy or sell these lands are validated by the municipal or community mayor.

In Guatemala, as in many countries of the world, the State is the owner of sub-soil resources, but it grants concessions for the right to explore and exploit these resources. The Mining Law states that rights to the subsoil take precedence over land ownership rights. In cases of conflict between sub-soil rights and land rights, the laws states that the State can expropriate the land by force, on the pretext that mining activity is in the 'national interest' or that it contributes to the common good of the nation.

In this legal context, in 1999, Montana Exploradora began to acquire land in San Miguel Ixtahuacán, in the communities of Agel, El Salitre, San José Ixcanichel, San José Esperanza, Siete Platos, as well as Tzalem in the Municipality of Sipacapa, affecting some 670 families.

According to statements from local people, the way in which the mining company acquired use of the land was irregular, in that it involved use of coercion, intimidation and lies. Company representatives turned up frequently at people's houses to pressure them to sell their land. They told people that they wanted to buy the land for a crop planting project or to carry out a field study. They said that if they found minerals on a parcel of land, they would compensate the former owners. But they only paid them Q4000 per cuerda.

The company was able to convince landowners to sell their land because they had not been informed that there was gold and silver on their land and they were unaware that mining exploration agreements had been signed between the mayor's office, the government and the company. In fact, an interview with the mayor of San Miguel Ixtahuacán confirmed that, at that time, the population was not aware that mining exploration had begun. (Paley, p.3)

Many people in those communities indicated that they did not want to sell their land, but under pressure, and out of fear, they ended up selling. In an attempt to pressure the people and frighten them into selling, the company told them lies, such as "even though you don't want to sell, we are going to be using this land nonetheless", "everyone else has sold, you are the only one left", "if we find gold and silver, we will give you further compensation", "we are going to pay you rent for using your land, and later we will give it back to you in

its original condition". Because of all the deceit and lies, people thought they were just lending the land, not selling it, as the company later told them.

People who refused to sell their land were pressured and threatened (López Maldonado, Vinicio "La minería química de metales, el nuevo nombre de despojo y etnocidio?" COPAE, March, 2007, p.4) Some people said that even though they had said "no" to representatives who asked them to sell their land, over a period of several months, the representatives kept coming back to pressure them to sell. Those who refused to sell were threatened that they would lose their land. They were told that even if they didn't sell, machines would be moving in on their land nonetheless. So if they did not accept the Q4000 offered for the land, they were going to lose it anyway. A campesino said:

"Mining representatives told us that they had the licenses to begin operations and that if we didn't leave, we would be evicted. So we could choose between selling our land or being evicted." (*El Roble Vigoroso*, COPAE, no. 6, January 25, 2007.)

One man recounted that when he refused to sell his land, the mine dumped big rocks on a part of it. When he asked the company to pay for damages, they carried out a measurement and declared that he owned 40 cuerdas of land while the area covered 46 cuerdas. The company did not want to pay the damages; they only wanted to buy the area where they had dumped the rocks. Despite the fact that the man insisted that he did not want to sell, they refused to compensate him in any other way. Thus, as there was no other alternative, the area where the rocks had been dumped was sold.

The company paid most people a low price - only Q4000 per cuerda (approx. US \$530), and no assessment of the real value of the land was carried out. Having been pressured to give up the title to their land for so little money, many people could not afford to buy a similar parcel of land elsewhere. As a result, they ended up with less land for planting their crops.

Besides telling lies about what use would be made of the land, the company tried various ruses to gain the confidence of the campesinos whose land they wanted to buy. They invited them to free lunches and gave them T-shirts and other gifts. They also promised that the mine would bring benefits to the area. "Our lives have been strongly affected by the presence of the mining company; we no longer believe Montana's and the World Bank's lies." said a mining resistance leader from San Miguel Ixtahuacán (he prefers to remain anonymous). "They promised that there would be work for everybody, a municipal hospital, a football stadium, and a paved road to make it easier to get to San Marcos. Instead, now we see that they are contaminating our rivers, and most people have lost their job, and worst of all, social conflict has increased in our communities." (López Maldonado, Vinicio "La minería química de metales, el nuevo nombre de despojo y etnocidio?" COPAE, March, 2007, p.1)

As well, according to an interview with a community leader, in *El Periódico* newspaper:

"The company has broken our spiritual relationship with Mother Earth", said Javier de León, President of Municipal Council of Community Mayors. "We no longer want money or anything else from them. They offered us so much. But have we received anything? They have only paved 2 kilometers of the road. Jobs? How many have they provided? What have they given to us? They tricked us to get hold of our land, they divided us, they bought our leaders, they threatened us and they filled our public roads with private guards. The only thing they have brought here is dust. Now we just want them to stop causing all this destruction." ("Onzas de oro, libras de polvo y grietas en la roca", *El Periódico*, April 27, 2000, p.3)

3. WEIGHING THE COSTS AND BENEFITS: PROFITS FOR THE INVESTORS AT THE COST OF THE PEOPLE

Those who promote mining as a form of social development argue that the Marlin mine will benefit the country and the communities near the mine. The mine will pay royalties to the federal and municipal governments and create new jobs for the population and there will be development projects carried out by the Sierra Madre Foundation, created by Goldcrop/ Montana.

To analyze the argument that the mine promotes social development, we have to weigh the damage caused by the mine against the benefits it brings, and who benefits against who pays the cost. Obviously, the mining company stands to benefit enormously, with millions of dollars in profits, while the local population stands to pay the great cost of their health and the loss of water resources. The capital falls into the hands of the government and the workers do not even receive even enough to compensate for damages caused by the mine. Clearly, the mine makes the poor poorer and the rich richer.

3.1. THE BENEFITS OF THE MINE ... PROFITS FOR GOLDCORP EXECUTIVES AND INVESTORS

Between October 2005 and October 2006, Montana obtained profits of \$80.3 million dollars (approximately Q600,000,000). The company managed to extract 139,892 ounces of gold and 1.06 ounces of silver. Of the 600 million quetzals, Montana paid 54.6 million back to the country, including the 1% for royalties and social impact projects in San Miguel Ixtahuacán ("Montana obtiene producción record," *SIGO XXI Nacional*, November 23, 2006.) Under the Maquilla Law (Decree 29-89), Montana will be exempt from paying income taxes (ISR) until January, 2008. (Luis Solano, *Inforpress*, No. 1712, 13/07/2007).

In 2006, the average price of gold was US\$600 an ounce. Thus, Montana made a profit of US \$400 profit on every ounce of gold. In 2006, the company made a profit of \$64 million for gold alone, not including silver. According to a press release released by Goldcorp on March 8, 2007: "Goldcorp's net profits in 2006 increased by 43%, reaching 408.3 million dollars." In 2007, the price of gold continued to rise.

Supporters of mining activity as a form of social development use two basic arguments - that it generates employment and that it contributes to the state through taxes and royalties.

During the construction phase, there were approximately 1300 jobs open with the Marlin mine, some 800 of which were taken by local workers, or 1.5% of the population of San Miguel Ixtahuacán and Sipacapa.

During the second phase of implementation of the project, the 10 year exploitation period, Montana submitted an EIS that stated that the number of jobs available would be reduced to 200. The report did not say that these jobs would necessarily be occupied by local workers. ("La Actividad Minera en Guatemala", Office of the Ombudsman of Human Rights of Guatemala, 2006, p.20) Montana maintains that there are still some 800 people working in the mine, but this figure has been contested by local communities, based on data on mines of a similar size owned by Montana, which maintain operations with only a few hundred workers.

Local workers receive an average salary of Q2500 a month or US\$300-350. ("Onzas de oro, libras de polvo y grietas en la roca", *El Periódico*, April 27, 2000, p.2) Such low salaries do not take people out of poverty. On March 7, 2007, the Frente Comunal de Resistencia a la Explotación Minera (Common Front for Resistance Against Mining Exploitation) issued a press release to denounce "the violation of the workers' rights of our brothers, who did not receive due benefits when the company let them go."

By way of comparison, in 2006, Ian Telfer, Chairman of Goldcorp, received US\$17.2 million or Q130 million, with unexercised options for US\$32.6 million or Q245 million more. ("Big Leavers Lever Bigger Pay Packages", *The Globe and Mail*, July 4, 2007, p.3) The only beneficiaries of the profits of the mine are the executives and the investors in the United States and Canada.

As for the royalties, it would be very interesting to investigate the government's investment in construction and maintenance of roads and in other services that directly benefit the mines, to find out how much of the amount received in royalties was invested in the Municipality of San Miguel Ixtahuacán. Most likely, the company does not pay enough royalties to cover the cost of services provided to them by the State and there is absolutely no doubt that those royalties do not cover the cost of mending the damage to the environment caused by the mine.

It is interesting to note that the CAO report expresses concerns that the "benefits" and "development" generated by the mine can cause division and competition amongst communities and municipalities. But clearly, there is no need to worry about benefits causing problems, as the area has yet to see the mine generate any benefits at all. And as for competition and division, rather than compete for jobs in the mine, in many cases, workers and affected communities come together in solidarity. The real problem is that the company itself creates division amongst the workers. We know that there were workers who lost their jobs for supporting their communities. It is clear that despite the attitude and actions of the mine, there is solidarity between the communities and those who chose to work for the mine.

With regard to the issue of divisions amongst municipalities, the CAO report states that, given that most of the mining activity (85%) takes place in San Miguel Ixtahuacán, San Miguel receives more benefits than Sipacapa, and that this state of affairs could cause friction between the two municipalities. But we must remember that the population of Sipacapa clearly voted to reject accepting anything from the mine and in that light, this statement from the CAO seems ridiculous. The CAO report also claims, erroneously, that there is friction between those who work in the mines and the communities.

3.2 THE DESTRUCTION OF MOTHER EARTH: EXTRACTING NON-RENEWABLE RESOURCES UNTIL THERE IS NOTHING LEFT

The Marlin mine is a subterranean open-pit mine. Open-pit mining is an industrial activity with a high environmental, cultural and social impact, because it is not sustainable. An open-pit mine extracts non-renewable resources until there are none left. A modern mine extracts minerals disseminated over an extensive territory. This type of mining requires deforestation and removal of the top layer of the earth that took centuries to form. Mining destroys the soil from which the forest gets its nutrients. Open-pit mining exploits large deposits of minerals found in rocks that have to be pulverized. Cyanide, water and zinc are applied to the rocks to extract gold and silver, which are then exported in bars. The process requires excavation machinery, conveyor belts, highly toxic substances and creates huge craters up to 150 hectares by 500 meters deep. (Arandi, Rafael, Piedrasanta, "La minería a cielo abierto," Instituto de Investigaciones Económicas y Sociales, USAC, July, 2000, p 1-2.)

According to reports by ecological organizations and experts in the field, open-pit mining brings considerable change to the area of exploitation and its surroundings, including the destruction of flora and fauna, the use of large quantities of water, deforestation, contamination of rivers, contamination of the air by dust, and the removal of tons of rocks. Added to this is the impact of the storage of toxic waste and the harm that this will cause in the short and long term to the local population. ("Metal Mining and Human Rights in Guatemala, the Marlin Mine in San Marcos", Peace Brigades International, May 2006, p.12)

It is important to point out that mining extracts a non-renewable resource, which means that once the Government of Guatemala allows a transnational company to extract this resource, it will no longer be available to future generations of Guatemalans, if ever a time comes when there is technology to control environmental damage and sufficient capital and technology available to Guatemalans in a free and democratic political context in which the rights of all citizens are protected.

3.3 DEFORESTATION AND DESERTIFICATION

In February, 2004, the American hydrogeologist, Dr. Robert Moran, carried out an independent study of the possible damage to the environment by the Marlin mine. According to Moran, the most significant impact could be increased competition for water between local farmers and the mine, and deterioration in the quality of surface and ground water.

Moran concluded: "Given the large quantities of water required for the Marlin project, the mine operations will compete with other agricultural, domestic etc. users for the available water supplies. [...] My field observations suggest that these increased demands for water could certainly aggravate the demand for water, especially during the months when surface water and natural spring flows are greatly reduced." (*New Country, Same Story: Review of the EIS of the Glamis Gold Marlin Project*, February, 2004, p.13)

A mining company can use up to 250,000 or 650 tons of water an hour. The water a company uses in an hour is equal to the amount used by a rural family in two years and one month. (CEIBA, "La Minería Metalica", November, 2005). When a mine takes enormous amounts of water from deep subterranean sources, competition for water and lack of water for communities is a real danger, especially when there is deforestation as well.

During the May 19, 2000 visit by ADSIMI (Association for the Integral Development of San Miguel), to the village of Agel, which is very near the mine, people said that there are now six wells that have dried up in the community. During a community visit, July 11, people told ADISMI, visiting with other organizations, that there are now six dry wells, including one that was used by 40 families. They said that before the mine, there was water in the wells, but today, they are dry, especially in dry season. People also said that fruit trees are drying up. For example the peach trees in the area used to produce a lot of fruit but now they are drying up and produce almost no fruit at all.

Members of ADSIMI noted that the land near the mine is completely deforested. On the day of the visit, workers at the mine were cutting down trees in the vicinity.

3.4 CONTAMINATED WATER AND HEALTH RISKS

Another impact of mining is contamination of water by toxic materials used by the mine. At the end of 2006, Italian analyst Flaviano Bianchini of the El Salvador Centre for Research on Investment and Trade, carried out a

study of the Tzalá River, which is located in Sipacapa. The study indicated that mining activity had contaminated the river through acid drainage. Copper was assessed at 80 times the caudal limit, aluminum at 13 times the limit and magnesium at 2.5 times the limit. The health of approximately 5 thousand people in the area could be affected.

High levels of copper can cause DNA mutations and cirrhosis of the liver, as well as skin, hair and dental problems. Aluminum can harm the central nervous system and cause dementia, loss of memory, apathy and severe tremors. Magnesium can cause Parkinson's disease, pulmonary blood clots and bronchitis.

Samples were taken from two sections of the river for purposes of analysis. In the first sample, which was taken from above the Marlin mine, the water was clean. In the second sample, taken below the mine, the water was contaminated. (*El Periódico*, January 6, 2007) Since publication of this study, the author has received numerous threats. (Paley, p. 3)

The same analyst analyzed the blood of people who live near another controversial Goldcorp open-pit mine in the Municipality of San Ignacio in the central Siria Valley, Honduras. Traces of lead and arsenic in quantities higher than recommended by international standards were found in samples taken from ten people who live near the San Martín mine in San Ignacio.

The use of cyanide requires enormous amounts of fresh water and generates highly toxic sub-products, including heavy metals such as lead, mercury and arsenic, that can contaminate bodies of water used for human consumption. Arsenic can gravely harm the gastrointestinal, cardiovascular and nervous systems. (*La Nación*, "Oro de baja ley", February, 2007)

Within the parameters of the mining concession area, there is a large tailings pond that is used for chemical treatment of minerals. This grey-blue colour pond contains waste of toxic chemicals such as cyanide that the mine uses to process gold. Near-by communities have stated that water from this pond spills into rivers that are tributaries of the Cuilco River. Local people have seen signs of contamination in the Cuilco River. They have noticed that there are far fewer fish and that animals such as sheep and cattle die after drinking water from the river.

The Frente Comunal de Resistencia a la Explotación Minera (National Front Against Metal Mining) made the following report on August 4, 2007:

"Representatives from Montana came to Salitre to tell people not be afraid or concerned because, in a few days, the company would be releasing water from the Dique de Colas (a tailings pond contaminated with various chemicals). This is why we are asking the national and international community to send observers to the area immediately so that this release does not take place before an independent study is carried out. Given the degree of contamination and the highly toxic chemicals contained in the water, contamination can affect an area as large as approximately a kilometer. Contaminated water will then flow into the Cuilco River, which will then threaten hundreds of families and dozens of communities that live in the lower part of the Huehuetenango region and in Chiapas, Mexico."

Besides the threat of the release of water from the tailings pond, there is always the threat of spills or accidents with toxic chemicals, which could be much worse in the long term because of acid drainage. Dr. Moran writes:

"Much of this flow may be controlled while the mine is operational, but following mine closure, facility oversight would cease and the migration of contaminants would progress forever. The fractured rock of the area makes it even more likely that ground water flow paths have the potential to impact large areas in the long-term." (Moran, Robert E., 2004, *New Country, Same Story: Review of the EIS of the Glamis Gold Marlin Project, Guatemala*, p.13)

As well, there is the possibility of accidents with trucks carrying chemicals on the roads. This has already happened. Such accidents could contaminate roads and rivers and put the health of communities at risk. According to a report Alfred de León Solano (a Deputy of the Guatemalan Congress) on September 5, 2005, a truck on its way to the Marlin mine had an accident near Jucal, in the Municipality of Malacatancito, Department of Huehuetenango.

The truck turned over and spilled chemicals on the road. Witnesses said that when the truck turned over, a white coloured substance spilled onto the road. Workers from the mine who were present at the site told them that it was boric acid and aluminum hydroxide. Because of heavy rainfall in the area, the chemicals got into the Pucal

River, which is a water source for several communities down river. (Congress of the Republic of Guatemala, *Boletín Informativo*, September 30, 2005).

3.5 EXPLOSIONS CAUSE CRACKS IN WALLS OF HOUSES AND FILL THE AIR WITH DUST

Communities near the Marlin mine are also threatened by dynamite explosions that generate a great deal of dust. (CEIBA, "La Minería Metálica", November, 2005) When ADISMI visited communities near the mine on May 19, 2007, they noted that there was a great deal of dust in the air. Another impact from the mine is cracks in the walls of buildings, caused by the frequent explosions inside the mine. In September, 2006, a report from the Centre of Informational Reports on Guatemala stated that 25 houses in Ajel and Nueva Esperanza (2 kilometers from the mine) had been affected by explosions of dynamite in the mine. (CERIGUA, September 21, 2006) In April, 2007, *El Periódico* published an article in which it said that 52 houses had had their walls cracked by explosions.

Many houses in the area are in the same condition: 52 families have complained that their adobe, brick or concrete block houses have cracked walls because of the mine. For example, Christiana Emetria Hernandez Perez's house has been broken into 15 or 20 pieces, like a child's puzzle, and it has a four centimeter wide floor-to-ceiling crack through which you can see the street outside. Christina lives in Agel, one of the most affected villages. Like many people in the village, she moved there after selling her land in the valley to the company. ("Onzas de oro, libras de polvo y grietas en la roca", *El Periódico*, April 27, 2000, p.3)

In July, 2007, the local population reported 59 buildings with cracks in Agel and San José Ixacaniche. There are other such cases but they have not been reported because people are afraid to make a complaint to the mine. During their May 19th and subsequent visits, members of ADISMI and members of various national and international organizations documented houses and other buildings such as churches that had cracked walls.

Local people state that before the mine, they had no such problems with their houses, but the explosions in the mine cause earth tremors that create cracks in the walls of their houses. Initially, the cracks were small, but with the constant explosions, they have increased in size, and now there are cracks as large as 2 centimeters wide and 7 meters long.

The population has demanded that local authorities and the mine find a solution to the problem of cracks in their houses. The mine has told them that the cracks were not caused by the mine but by weak construction of the houses or other problems. However, since many people moved to the village recently, most of the houses are new. Indeed, some were even constructed by the company to re-locate people.

3.6 DESTRUCTION OF ROADS AND OBSTRUCTION OF RIGHT OF WAY TO OUR LANDS

Another negative impact of the mine on the communities is that it has become difficult for people to move around on the local roads. A March 7, 2007 communiqué from The National Front Against Metal Mining stated that the company gone as far as to "appropriate roads built for the communities; they do not maintain the roads and they construct new roads that destroy our land, without permission from the communities, who are the legitimate owners of the lands."

The communiqué also denounces the fact that the company has "closed our right of way to our lands, telling us that we cannot go to our lands without their permission and authorization. This makes its difficult for us to move around freely in our own birthplace where we are, in fact, the land owners."

To sum up, deforestation, generation of dust, water contamination, competition for water, dried up wells, problems with storage of mining waste, are all environmental harms caused by the mine. In the future, not only is there danger that these harms will increase, but communities near the Marlin mine that receive their water from the Culco and Tzala Rivers will be at risk for health problems.

4. RESISTANCE AND REPRESSION

As soon as the mining projects were initiated, the communities began forms of resistance against the mining and the State responded with threats, violence and manipulation of the legal system. There have been many resistance actions, from complaints to international organizations, a referendum and community consultations, independent impact studies, requests for dialogue and protests. However, none of these measures has succeeded in stopping the activity of the mine. In fact, the reaction of the mine has been one of threats and

intimidation, which have been so numerous and diverse that it is difficult to document them in their entirety. However, below we present a partial list.

The State's protection of the interests of the Marlin mine, against its own Guatemalan citizens, is particularly alarming. Two examples of this are the murder of Raúl Castro Bocel of Sololá, and the arrest of community leaders in San Miguel Ixtahuacán. It is also very alarming to see the impunity accorded individuals acting for the mine, who have committed serious crimes against the communities, including murder.

However, the communities are continuing their struggle against the mine. The on-going operation of the mine threatens the rights and security of the local population. The affected communities have formed the Common Front for Resistance Against Mining Exploitation of San Miguel Ixtahuacán, in the highlands, in the Department of San Marcos, in Guatemala.

4.1 THE SIPACAPA COMMUNITY CONSULTATION

Given the lack of consultation on the part of the national government, communities and local authorities carried out their own consultation. On June 18th, 2005, local authorities of Sipacapa and the Municipal Development Council, with the support of the Dioceses of San Marcos, carried out a community consultation regarding the Marlin mine, despite the efforts of the mining company to obstruct the referendum. Goldcorp (then Glamis Gold) and the MEM (Ministry of Energy and Mines) declared the consultation to be illegal. However, they were unable to explain why the presentations made by the company in 2003 would be legal, while the consultations organized by the communities and their authorities are not. (Ibid)

Initially, the consultation was seen as having a legal basis in the new Municipal Code, the Law of Decentralization and ILO Convention No. 169. Before the consultation was held, Glamis Gold (now Goldcorp) presented an appeal for injunction against it in the District Court, arguing that the consultation was not legal because mining matters are the responsibility of the government. At the same time, the MEM presented an appeal to the Constitutional Court. The District Court ruled in favour of Glamis on June 15, but on June 16, the Constitutional Court rejected MEM's appeal. However, under political pressure, the Mayor of Sipacapa decided to go against the will of the community and cancel the consultation. ("Guatemala: Sipacapa Says No to Mining", Bank Information Centre, July 1, 2005.)

Twelve of the thirteen communities and their indigenous leaders decided to follow their own tradition and go ahead with the consultation, which is legal according to ILO Convention No.169 and the Law of Decentralization. The consultation was held on June 18, 2005, under the eyes of the Guatemalan and foreign press, and approximately 75 national and international observers. Voter participation was estimated at 45% of the town's registered residents, and the result was 98% against the mining operation. Glamis Gold claimed that there had been threats against those who voted in favour of the mine, but the observers declared that all communities had ensured that the process was democratic and devoid of violence or coercion.

Community leaders submitted the results of the consultation to the Office of the Ombudsman of Human Rights (PDH) and to the President of the Commission of Energy and Mines of the Congress of Guatemala. The PDH declared that the consultation was binding, while the Commission promised to investigate whether it was binding or not.

The people of Sipacapa then submitted an appeal to the Constitutional Court. The Court ruled that the consultation was legal but not binding because there is no legal framework for enforcing ILO Convention No. 169.

To sum up, the mining company and the national government violated the rights of the indigenous peoples of San Miguel Ixtahuacán and Sipacapa by not consulting them before granting mining licenses and by not recognizing the results of their democratic public referendum.

4.2 INSTEAD OF CONSTRUCTIVE DIALOGUE... THREATS AND INTIMIDATION: THE COMPANY REFUSES TO DIALOGUE AND THE COMMUNITIES PROTEST

Jeff Wilhoit of Goldcorp made the following statement in a press release: "Concerning the blockades themselves, we are disappointed that instead of constructive dialogue, those orchestrating this roadblock preferred to engage in harassment, threats and intimidation to advance their claims."

In January, 2007, communities most affected by the mine decided to ask for a dialogue with the company to resolve problems caused by mining activity, such as damage to houses, inadequate compensation for the sale of their lands, contamination of the rivers, the increase in the amount of dust in the air and the increase in violence and road accidents involving company employees.

On the morning of January 9, 2007, a delegation from the community went to submit a formal request to Montana Exploradora. The next morning, they went back to see if there was a response and were told by Montana representatives that the mine refused to accept any responsibility for the problems. Community representatives were treated in an insulting manner by Montana representatives. All attempts at dialogue were squashed. The representatives of the community left, joined the others who were waiting for them outside, and went home.

As the community representatives were on their way back home, security guards from the mine confronted them, threw rocks at them, shot at them and grabbed hold of one of the leaders and tried to put him in their car. The community people defended themselves and called the police, who arrived much later. No statements were taken and no complaints duly processed. Some people had been hurt, but dared not make a complaint because they live near the mine.

That afternoon, on January 10, when the community heard of the negative response their representatives had received, around 600 people from Agel, San José Nueva Esperanza, Salitre and San José Ixcanel, in San Miguel Ixtahuacán and Tzalen in Sipacapa blocked the access roads to the mine to put pressure on the company for not responding to the community's request for dialogue.

On January 11, accompanied by a representative of the Office of the Ombudsman of Human Rights, community representatives went to the offices of the mine to request damages for what the harms they had suffered. But the Director of Security, a Canadian, would not let them in. In fact, he called them names, said they were filthy murderers and kicked them off the mine property.

On that day, the National Civil Police (PNC) and some 300-500 soldiers from the bases in Huehuetenango, Quetzaltenango and Guatemala City arrived in the area. Despite the strong military presence, the community kept up its blockade for 10 days. In the end, the mine offered to negotiate and the community agreed.

On January 22, it was agreed that negotiations would begin on January 26 in the Dioceses of San Marcos and that the blockade of the road would end. But on January 24, in a letter to the Human Rights Ombudsman and the Dioceses of San Marcos, Milton Saravia, the General Manager of Montana, stated that because of reorganization at the mine, the company was unable to meet with the San Miguel community. (*El Roble Vigoroso*, COPAE, no.6, January 2007).

4.3 DISCRIMINATORY PENAL PERSECUTION: THE ORDER TO ARREST 22 LEADERS

Instead of dialogue, the Montana/Goldcorp company responded with violence and repression. In the early morning of February 13 – same day that more than 10,000 people from the Municipality of Concepción Tutuapa expressed their total rejection of mining in a community consultation - a huge police and military contingent, accompanied by mine workers, illegally detained two community leaders.

At 5:20am, 13 PNC agents arrived in Goldcorp/ Montana vehicles in the villages near the mine. According to the local people, they entered houses by force, broke locks, woke up and upset children and ransacked people's possessions. They arrested two people and took them to the police substation in San Marcos, where they spent two days and nights in jail. (*El Roble Vigoroso*, COPAE, no.7, February 2007, interviews with the community, July 12, 2007)

The following is one person's description of what happened:

"According to my wife, the police came here at 5.26 this morning... they had orders from Montana. When they came in they forced my children out of bed and threw them on the floor and then a policeman kicked one of the children who had begun to cry. I don't know what is going on with Montana, and with Milton Saravia. He just arrived recently. He doesn't know how Montana has been negotiating with us over the land here. There were problems with this, so the community presented a pacific request for a dialogue with the company. But they refused our request and paid no attention to us."

On January 22, the same day that the community signed an agreement with the mine to negotiate and disband the blockade, the company presented charges against 22 members of the community located near the mine, accusing them of coercion, threats, inciting to delinquency and illegal possession of firearms. The judge in San Marcos ordered that 7 of the 22 leaders named be arrested. The arrests took place on February 13. The leaders were placed under house arrest. On September 11, 2007, the trial began and on September 26, a public debate was held in San Marcos.

The community was outraged by the actions of the company against the very people who had sought dialogue with them. "This attack by the company shows its repressive attitude towards the dignity of community members. 22 people were arrested without justification. They had committed no crime whatsoever." (Communiqué from the Common Front for Resistance Against Mining Exploitation, March 7, 2000)

Despite the charges and the arrests, members of the community continued seeking dialogue with the company, but they received no response. Those named in the charges presented by the company said: "we tried to find a way to dialogue with them. We notified the Office of the Ombudsman for Human Rights that we were ready to open a dialogue in San Marcos. Unfortunately, there was no response. Later, when they finally decided to meet with us in the capital, we went to dialogue with them and put forth our proposals. We presented written proposals concerning the price of land and the damage to houses. However, today we spoke to them and they completely rejected our requests."

4.4 THREATENED AND FIRED FOR DEFENDING THEIR COMMUNITIES

We are not surprised by the actions of the company against community leaders who were seeking dialogue because of the desperation in the communities. Since the company arrived in the area, its attitude and that of its sub-contractors has been one of arrogance, threats, intimidation, and use of force, instead of dialogue. This attitude has helped create an atmosphere of conflict between workers in the mine and the local community. Former mine workers say that they were fired when they showed support for the community against the mine.

There are statements from local people to the effect that 16 workers were fired for participating in protests: "In most places, when you are let go, you are given benefits, but this company give you nothing ... I only got Q2 500. This really hurts because we really supported them and now they are giving us nothing and the company has done bad things to the community and to our families. The company has been ruining everything."

"A Marlin employee said that I had helped my brothers in the community, and I said yes, I had the right to protest because Marlin had not kept their promises and then they said that my contract was terminated because I had sided with the community members."

4.5 THE RIGHT OF WAY FOR POWER LINES: A THREAT TO FAMILIES. COMMUNITIES REJECT THEM BUT THE THREAT CONTINUES

Since 2005, the Montana Exploradora Company has been installing high-tension hydro-electric transmission lines in the mine's centre of operations. According to a CAO report, Montana Exploradora has a 27 kilometer right of way for high tension lines, extending from the Municipality of Tajumulco to the site of the mine in San Miguel Ixtahuacán.

Despite complaints from the community, and the fact that no permission was granted by property owners, power lines were built on the property of local community members. This has become a matter of great concern and has caused conflict between the community and the company.

On April 4, 2007, a sub-contractor working for the Montana company entered the private property of landowners without permission, to perform maintenance on the high tension power lines. The property owners informed the sub-contractors that they were on private property and should leave. The contractors threatened the property owners and told them they had the financial resources to do whatever they wanted to local families. "They told us that if we didn't let them do the work, the company could put us in jail. So they went ahead and did what they wanted, despite the fact that they did not have right of way and that we did not want the high tension power lines that Montana had constructed on our property without our permission, because it is dangerous for our children. The Montana workers and sub-contractors are committing a lot of crimes. We do not want the mines on our territory." (Common Front for Resistance Against Mining Exploitation, Communiqué no. 4, August, 2007)

According to a communiqué from the Common Front for Resistance Against Mining Exploitation, the Selun company, a sub-contractor of Montana, went on the same property, without permission, to work on the power lines. The response of community members was pacific - they simply asked the workers to leave, and told them they did not want power lines on their property. A contractor responded that if they did not let them do the work, they could "attack them with machetes" and called for police support. A few hours later, 10 PNC officers arrived on the scene. The officer in charge spoke to Margarita Bámaca and Gregoria Christina Pérez and said that the PNC was backing up the sub-contractor's work for Montana and that they were taking note of everything that was happening. The Coordinator of Community Relations for the Marlin company was also present.

4.6 THE MURDER OF RAÚL CASTRO IN SOLOLÁ AND THE POLITICAL PERSECUTION OF COMMUNITY LEADERS

In December, 2004, a Montana vehicle en route to the Marlin mine arrived in Los Encuentros, kilometer 127 on the Pan-american Highway, in the municipality of Sololá. It was carrying a 7 metre diameter, 52 ton cylinder that could not fit under a pedestrian bridge in Los Encuentros, hence, it was decided to dismantle the bridge. The local people protested, complaining that they had not been consulted about the dismantling of the bridge that they themselves had built. The cylinder remained on the side of the road.

When people asked where they were taking the cylinder, employees of the company gave the suspicious answer that it was going to be used by a mining company in Sololá.

Because of this false rumour, people continued blocking the road until the government would agree to cancel possible mining concessions in Sololá. But instead of negotiating, on January 6, the Government sent a dozen police agents to the area. Around 2000 inhabitants of Sololá came out to reinforce the blockade.

Again, the population sought to dialogue with the authorities. But on January 7, 2005, the Government sent in 1500 PNC agents, backed up by 300 soldiers, to try and move the cylinder. (The Marlin Mine in San Marcos, International Peace Brigades, May, 2006, p.9)

During the blockade, the police killed Raúl Castro Bocel, a campesino from Sololá. His murder remains to be investigated by the State of Guatemala. While his murder is treated with impunity, community leaders are persecuted by the State. Through murder and use of force, the police and the army cleared the way for passage of the cylinder, against the will of the community. The cylinder arrived at the Marlin mine the next day.

The murderers of Raúl Castro still enjoy complete impunity, while the State of Guatemala is presenting charges against community leaders who are guilty of no crime.

4.7 COMPANY SECURITY GUARDS MURDER ÁLVARO BENIGO SÁNCHEZ LÓPEZ

Álvaro Benigo Sánchez López, a bus driver for the Gonzalez company and a member of the parish of San Miguel Ixtahuacán and the Dioceses of San Marcos, was very active in the protest against the mine. His father was also active in the resistance activities against the mine organized by the church.

On March 13, 2005, Álvaro Sánchez participated in religious activities in the Catholic Parrish of San Miguel Ixtahuacán. That night, he came out of the church with other people and headed for home. As they walked through the town, they came upon Ludwin Waldemar Calderon and Guillermo Lanuza, two employees of the Golan Group security company, a sub-contractor of the Alfa company, that provides security for the Marlin project. Guillermo Lanuza went straight over to Álvaro Benigo and, with no provocation whatsoever, started to hit him. Benigno tried to defend himself. Then Ludwin Waldemar Calderon took out a fire arm and shot Benigno five or six times. He was taken to the national hospital in Huehuetenango, where he died.

The murderers fled from the scene, and their whereabouts are still unknown. After the murder, a Golan Group manager kept called the family of the victim repeatedly to offer them money not to pursue the case. (UNSTRAGUA - Union of Workers of Guatemala, denouncement submitted to the ILO, April 6, 2005)

4.8 UNEXPLAINED MURDERS AND ACCIDENTAL DEATHS

Since the company began operations at the Marlin mine, there have been a number of unusual deaths in the area, including murders and car accidents. This has created an atmosphere of fear and mistrust. The fact that the State has not investigated or pursued those responsible for these crimes only increases mistrust and

strengthens the impunity enjoyed by the perpetrators. There should be a systematic investigation of crimes that have occurred since the company arrived in the area.

On June 15, 2000, the decapitated body of Pedro Miguel Cinto was found by the side of the road, approximately 200 meters from his house, by a child who was tending sheep in the area. Pedro Miguel Cinto, a 60 year old man, lived in the village of Tierra Blanca Mub'el in San Miguel Ixtahuacán. He was a humble Maya Mam campesino. He and his family had resisted the presence of the mine in the area. His home was located about 1 kilometer across from the administrative office of the mine operations.

Several days after the murder, his head was found in the Department of Huehuetenango. The court in Huehuetenango contacted the court in San Marcos, which, in turn, contacted the Montana company. Montana then told the family about the head being found. This made members of the local community very suspicious of the mining company and only served to increase fear and suspension in the community.

4.9. INDEPENDENT STUDIES RESULT IN LEGAL PERSECUTION

After completing his analysis of water contamination of the Tzala River, Flaviano Bianchini, the Italian scientist, received telephone threats. Amnesty International put out an urgent action concerning this case; for fear of repression, Bianchini returned to Italy.

Now, the mining company has a legal case against Madre Selva, the organization that helped Bianchini publish his study findings. This is how the company works. If it were a non-polluting company, it would not bring legal charges against Madre Selva.

5. CONCLUSIONS

The presence of mining in the Department of San Marcos, Guatemala, will determine the future of the thousands of indigenous communities in the area. Many indigenous communities maintain that there are other options for development that do not involve the destruction of mother earth, the forests and the soil, the contamination of water and the atmosphere, health risks, scarcity of water sources, and cultural and social changes.

The harms caused by metal mining, especially with the use of highly toxic chemicals and contaminants such as cyanide, and a dishonest company, along with the lack of consultation of indigenous communities, have all created a national struggle against mining. Incidents of violence and repression have been perpetrated by the mine and the State and it is possible that more serious conflicts may develop.

The Marlin mine has generated, and continues generating violence and violations of the human rights of the people who live in communities near the mine. First, they have violated the right of indigenous people to be consulted regarding projects that affect them, as stated in ILO Convention No. 169. The Marlin mine, with its impacts on the environment and its repression of the local population, is endangering the following human rights, which are protected by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights.

*All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

*The right to health, including access to clean water.

*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

*The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society.

*All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

For all the above reasons, the Marlin project should not be seen as an opportunity for development in a country that is already on the road to development. Rather, the project should be seen as a threat to the human rights of communities. It has engendered a series of social and environmental catastrophes that will mostly likely increase tensions and violence in the region.

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Translated by Rosalind Gill

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WHAT TO DO: info@rightsaction.org

Rights Action (a tax-deductible organization in Canada and USA) funds and works closely with ADISMI, supporting its resistance to the harms of this mining operations and its work for community-controlled development, protection of the environment and promotion of indigenous and human rights.

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