

**Rights Action
Goldcorp Impunity Watch
December 9, 2010**

BELOW: a Cultural Survival article about gold mining and related environmental and health harms and other human rights violations in Guatemala.

The article features Diodora Antonia Hernandez Cinto (known as "Dona Maria") who assassins (former Goldcorp employees) tried to kill on July 7, 2010. Shot through her right eye, Dona Maria survived.



With your support, RA sent 'medical needs' funds to Dona Maria and her family. Today, Dona Maria is back home, in the village of Sacmuj, and continues to resist the expansion of Goldcorp's mine. (Photo: Diario Centroamerica)

This article also features the community based, Mayan Mam groups ADISMI & FREDEMI, two groups that Rights Action works with, and funds with your support.

Thank-you for your donations for these amazing people and organizations.

Grahame Russell and Annie Bird
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GOLD ON HOLD, By Tracy L. Barnett
<http://www.culturalsurvival.org/publications/cultural-survival-quarterly/guatemala/gold-hold>

In Guatemala, the Indigenous anti-mining movement is 600,000 strong and growing, but it's still David facing the Goliath of the transnational mining industry.

They arrived in pickup trucks, in school buses and on foot: thousands of highland Mayans, each wearing their community's distinctive traje, covered the Zaculeu pyramid in Huehuetenango, Guatemala. They came to witness a visit from James Anaya, the U.N. Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, and they held placards with slogans like "No to mining; yes to life" and "San Juan Atitán says no to the multinational corporations."

"There are some who believe the Mayans are gone, and all that remains are these ruins," a man dressed in white with a cowboy hat was speaking from the stage. "We are here to tell them, 'We are alive, and we are here to bring these monuments back to life.'" The crowd roared its assent.

Last June 17 was a day that made history for Guatemala's Indigenous majority, though it barely made a ripple in the international news media. Anaya was there with other members of the office of the UN High Commissioner for Human Rights, part of a weeklong information-gathering tour in the wake of allegations that the Guatemalan government has illegally granted 409 mining concessions (136 for exploration, 273 for exploitation) on Indigenous lands to multinational corporations without the consent of the Indigenous residents. The gathering at Zaculeu was part of a mass uprising of Indigenous communities that are becoming increasingly organized and vocal in a desperate bid to protect their territories against growing pressure from the extractive industries.

The previous Tuesday, in the highland village of San Juan Sacatepequez, Anaya had been greeted by an estimated 12,000 mostly Indigenous people who had come from all over the country to denounce the violation of their lands by foreign-owned mining companies, hydroelectric companies, and a giant cement operation.

Wednesday the delegation had visited the remote mountain village of San Miguel Ixtahuacan, where the transnational giant Goldcorp operates the Marlin Mine, a gold mine that has stripped away a vast stretch of these mountains and that has become the best known example of the problem. The Inter-American Commission on Human Rights recently had asked the Guatemalan government to suspend operations of the mine due to allegations of human rights abuses and environmental contamination.

On Friday, at a press conference in Guatemala City, Anaya echoed the commission's request, calling on the government to issue an immediate moratorium on mining activities on Indigenous lands pending further investigation. A week later, the government finally capitulated to international pressure, issuing a vaguely worded statement that it would order a suspension of operations at the Marlin Mine, although it stipulated the shutdown would take time. The government's lack of details raised red flags among the affected communities, who had been pushing for an immediate closure.

Meanwhile, Goldcorp announced it would continue operations. "We welcome this opportunity to demonstrate once again Goldcorp's record of respectful, environmentally sound operations at Marlin," Chuck Jeannes, Goldcorp president and CEO was quoted in Mineweb, a publication covering the mining industry. It is little wonder Goldcorp is reluctant to shut the mine down, even temporarily. Goldcorp reported record earnings for the first half of this year. Second quarter earnings were up 34 percent from the same period last year, in part because gold was selling at an average of \$1,200 per ounce during the quarter (an all-time record high, by a wide margin). Moreover, the Marlin Mine is now Goldcorp's third-most-productive gold mine. Its improved silver extraction processes there have increased output by

62 percent in one year, and its cost to extract gold (at \$48 per ounce) is roughly a tenth as much as anywhere else.

[Rights Action: Gold is now over \$1,400/ ounce.]

Marlin is a cash cow. Under the Guatemalan mining law, however, Guatemala receives only 1 percent of Goldcorp's earnings from the Marlin Mine, a fact that rankles many Guatemalans regardless of their position on the mine.

Nevertheless, Goldcorp prides itself on what it claims is a record of social responsibility. The company released an independent [sic] human rights assessment on June 30 that, according to CEO Jeannes, cites "Goldcorp's positive accomplishments in a number of areas, but we recognize that there are significant opportunities for improvement." While implementing "industry best practices at Marlin is the immediate objective," he said, "we are committed to integrating respect for human rights explicitly in Goldcorp's business practices."

[Rights Action: This assessment was not "independent". Paid for by Goldcorp, a Goldcorp appointee and a Goldcorp investor comprised 2 of 3 people on the Steering Committee. Its principal mandate was to help Goldcorp continue mining in Guatemala.]

AFTER THE FIESTAS

The government's statement about closing the mine was met with skepticism by activists like Sister Maudilia Lopez, a Mam Maya leader and Catholic nun who has worked closely with the Front in Defense of San Miguel. "On the one hand, it's great because it means an end to the environmental and health problems we've been suffering," she said. "On the other hand, we have nothing to offer the people who will lose their jobs if the mine closes."

The day the announcement went public, Lopez said she was approached by a reporter with a national newspaper who wanted to write about anti-mining activists' celebration of the announcement. She and other organizers had already spoken and decided instead to keep a low profile. "I told him we weren't planning any kind of celebration—it was too soon," Lopez said. "People are so divided, and there's so much resentment on the part of those who support the mine. We didn't want to do anything to stir up those resentments and further divide the community." The reporter persisted, however, and by the end of the day, he'd found a few people to quote, justifying the headline in the next day's newspaper: "San Miguel Residents Celebrate Mine Closure."

Lopez and others feared the government announcement in the absence of an alternative development plan for the region would lead to violence against anti-mining activists.

And indeed, it didn't take long for this fear to prove justified. On the evening of July 7, in the village of Agel, San Miguel Ixtahuacan, Diodora Antonia Hernandez Cinto answered a knock at the door. It was two young men, asking for a cup of coffee. She obliged, but as she was handing the coffee to the young men, one of them shot her in the right eye.

Diodora, or Doña María as she is known in her community, was an outspoken opponent of the mining operations, as were several others who were threatened and attacked in the ensuing weeks. She survived the shooting, though she has lost the use of her eye, Lopez said. Two individuals were later detained in connection with the incident: one is a former employee, the other a current employee of the Guatemala-based Goldcorp subsidiary that runs the Marlin Mine.

Javier de Leon, another San Miguel activist with [ADISMI] the Integral Development Association of San Miquelense, joined the Canadian human rights group Rights [Action] in a letter to Goldcorp demanding immediate attention to the matter. Goldcorp Executive Vice President David Deisley responded, condemning the violence and adamantly denying any involvement on the part of Goldcorp. "Contrary to your statements, other than these employment relationships, there is no connection between the men, the assault, and Montana [the subsidiary] or the Marlin Mine. Certainly, there is no evidence that the assault 'is most probably linked to the operation of [the Marlin Mine]," Deisley wrote in his July 20, 2010 letter. Deisley encouraged anti-mining activists "to desist from unnecessarily creating tension and conflict in the area by publishing unsubstantiated and speculative statements regarding the motive for the recent assault on Ms. Hernandez Cinto." He called on mining forces "to join the companies in opposing the use of force, intimidation, and other actions that may result in violent conflict within San Miguel Ixtahuacan and Sipakapa."

Mining activists have acknowledged there is no proof that the company is directly promoting attacks on anti-mining residents. Rather, they say, the presence of the mine has divided the community and, in an environment of extreme poverty and lack of economic opportunity, has led to a polarization between those who are employed by the company and those who are not.

According to *Protecting Your Community Against Mining and Other Extractive Industries* (co-written by Cultural Survival's Paula Palmer and available on Cultural Survival's website), polarizing communities is well-documented strategy of extractive industries. Offering some members of an Indigenous community company jobs or buying them off pits one individual against another and is one of the best tactics to destroy a united stance against such corporate schemes.

Francois Guindon of [NISGUA] the Network in Solidarity with the People of Guatemala, who has been watching the situation closely over the past five years, is troubled by the implication that there are no economic alternatives for the people of San Marcos. "The Marlin mine has been an imposition with no community participation whatsoever, and it reinforces a false definition of what 'development' can be for the Guatemalan people," Guindon said. He held up Marlin as "a harmful exploitation model—much too favorable to the corporation." Despite the fact that the company has been outspoken in its condemnation of recent acts of violence in the community, Guindon countered, "Human rights violations began the minute the Guatemalan government granted mining licenses without the prior and informed consent of affected Indigenous communities."

GROUNDS FOR OPPOSITION

Opponents of the mine base their opposition on a litany of concerns, chief among them the impact on the quantity and quality of the water supply. Local residents also report strange skin rashes and hair loss among children who live near the mine, and they say more than 100 homes have been damaged by explosions and heavy traffic emanating from the mine.

The government has dismissed the claims, citing researchers who have said the damage to homes could not have been caused by the mine, and studies that say the contamination of the local water supply is not severe enough to cause health effects. Indeed, the jury is out on these matters. But, in a study done under the auspices of Physicians for Human Rights, tests of the water by University of Michigan researchers revealed elevated levels of heavy metals, both in the water downstream from the mine and in the blood of nearby residents.

“Little is known about the cumulative and combined health impacts on humans—especially children—following chronic exposure to complex, real-world mixtures,” said Dr. Howard Hu, co-author of the Marlin Mine report. Co-author Niladri Basu stressed that “large-scale, long-term epidemiological and ecological follow-up studies” are imperative, especially since quantities of contaminants from mining operations tend to increase over time downstream. The researchers strongly recommended that the government closely monitor the water and the blood of affected residents.

A more recent study commissioned by Oxfam America underscored the “medium to high” risk for acid mine drainage emanating from the operations in the future. Acid drainage typically occurs after a mine is closed, when rock surfaces exposed during the mining process oxidize over the years, leaching acidic content into nearby streams. This type of drainage kills aquatic life, renders the water unfit for human consumption, and is costly and difficult to remediate.

Ann Maest of the consulting firm E-tech also pointed out that the \$1 million security bond required by the Guatemalan government is far below the international norm of \$100 million, with some countries requiring that mining companies submit a bond of up to \$250 million. The amount required by Guatemala would not be nearly enough to cover damages should an accident occur—a fact that is just one of many problems inherent in the 1997 Mining Law that opponents have been pushing for years to change. A thoroughgoing reform measure has been introduced in Congress but has yet to reach a hearing.

The quantity of water being used by the mining operations is another concern. One analyst estimated that the company uses as much water in an hour as a typical Guatemalan family uses in 22 years. Given that the Guatemalan highlands are already densely populated, and the population is expected to increase, residents worry about a shortage of water in the future.

A larger issue ties back to the ownership and control of the land, which has been continually inhabited by Mayan communities since long before the Spanish invasion. This land tenure gives the communities the right to be consulted under international law, specifically Convention 169 of the International Labor Organization, a law that has been increasingly employed by Indigenous groups around the world to regain control over their lands and which Guatemala has ratified. The Guatemalan communities argue that they were never consulted or even notified of the government’s decision to grant permits to explore and then exploit the mineral deposits under their lands following the peace accords in 1996.

It wasn’t until 2005, when Montana Exploradora (Goldcorp’s Guatemalan subsidiary) opened its operations in San Miguel, that local residents realized what was happening, said Carmen Mejía, a leader of the San Miguel Association for Integral Development [ADISMI]. “They entered under deceit and lies; they were offering productive jobs for people here,” Mejía testified at the hearing with Anaya. “They didn’t say they were a mining company; they never said they were here to extract gold and silver. They said it was a project for development, and they began acquiring lands. Once they had some land they began to coerce the neighbors to sell their land. ‘If you don’t sell to us, you’ll be surrounded and buried,’ they were told if they resisted.”

The company continued, she said, manipulating and gathering signatures under false pretenses. “The company is operating illegally, because it lacks the social license to be here,” she said. “The people of San Miguel were never consulted.”

SIPAKAPA: STILL NOT FOR SALE?

For many Guatemalans, the town of Sipakapa on the edge of the Marlin Mine has become a symbol of the Indigenous resistance to transnational mining operations that has swept this land in recent years. On June 18, the fifth anniversary of an event that launched that resistance, hundreds gathered to celebrate, but the mood was anything but celebratory. Five years ago on this day, on June 18, 2005, the villages of this rural municipality held a series of community consultas, or plebiscites, expressing their unanimous rejection of the presence of international mining companies. The mostly Mayan residents of this region had just learned that their government had literally sold the land out from underneath them, granting hundreds of mining concessions to international corporations in the decade since the peace accords without consulting with them.

These consultas, the basis for the form of participatory democracy practiced by Indigenous peoples all over the world, are required under international law, but the Guatemalan government had chosen not to observe that law. So the people decided to hold their own consulta, and their action inspired a movement. Sipakapa was the subject of a documentary film celebrating the victory—Sipakapa No Se Vende, or “Sipakapa is not for sale.” Growing like a quiet grassfire, the movement spread across the Guatemalan highlands, and now an estimated 600,000 people have voted “no” to the mining operations and to other transnational activities on their lands.

The government has responded by declaring the consultas nonbinding, but the movement continues to grow, and it has been recognized internationally.

There was every reason to celebrate on this anniversary, as Anaya's visit and the Inter-American Commission call for mine closure indicated. But a sea of grim faces gathered at City Hall and listened as their elected officials explained why they had accepted 8 million quetzales, the equivalent of \$980,000, from Goldcorp subsidiary, Montana Exploradora.

Sipakapa's location at the edge of the highly productive Marlin Mine, along with its visible role as a symbol of Indigenous resistance, made it a logical target for Goldcorp's future investment, so it came as no surprise when the company began offering money to local officials for development projects, “no strings attached.” Until now, they had resisted.

Under the traditional form of government practiced here, leaders are not authorized to make major decisions without involving the citizenry in public meetings—direct democracy at its most pure. In Sipakapa, some were saying, this had not happened. Mayor Delfino Tema, dressed in white, was there to set the record straight. He explained to several hundred townspeople that municipal officials had accepted the offer only after consulting with local residents and hearing from several communities that they wanted to have access to the funds. Furthermore, he claimed, the money would be administered by the company, not by the municipality, to avoid the appearance of a conflict of interest.

“There are those who say we've already been dining on the money given to us by the company. Nothing could be further from the truth—we haven't even seen the money,” he insisted. “The community rules, and we are going to do what you say. We're going to decide together how to spend this money in community meetings that are open for all to attend. We are going to continue in the struggle against the mining company.”

Arcilia Cruz Carillo, mayor of the nearby town of Canoj, saw things differently. “The truth is, it's pretty confusing because our leaders first said no, then yes. We're seeing our water contaminated, our community divided, so it's pretty sad, but we've always been courageous

in this struggle. We pray to God that this company will take its money back and leave as soon as possible.”

Juan Montorroso of the Council of Pueblos of San Marcos addressed the group at the Mass following Tema's speech. “Remember our enemies are not of flesh and blood,” said Monterrosa. “They are the transnationals who are on top of us, manipulating us. The dignity of Sipakapa is worth much more than 8 million quetzales. Remember, the Spaniards deceived our grandfathers with a few pieces of gold. What will we tell our children and our grandchildren of the decision we are making right now?”

The situation Sipakapa is facing is no accident, Montorroso emphasized. “This confusion is created by the company itself; it's a part of their strategy,” he said. “They're looking for multiple mechanisms to divide the community. But Sipakapa is a community with a great deal of dignity, and I think at the end of the day, they will reaffirm to Latin America and to the world that dignity is not for sale.”

[Tracy L. Barnett, www.tracybarnettonline.com, is an independent journalist based in Latin America, reporting on environmental and Indigenous rights issues for The Esperanza Project, www.TheEsperanzaProject.org, and other publications.]

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WHAT TO DO:

Please do not stop sending articles like this, and other information (available on request, on www.rightsaction.org) to your members of parliament, congress, senators & government officials. Goldcorp – and similar companies – operate harmful mines in places like Guatemala with the support of the Canadian and US governments; with the immunity from prosecution that our countries provide them.

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