

Rights Action  
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## **MINING, REPRESSION AND THE RHETORIC OF DEMOCRACY AND THE RULE OF LAW IN GUATEMALA**

By Grahame Russell, August 13, 2012

<http://rabble.ca/news/2012/08/mining-repression-and-rhetoric-democracy-and-rule-law-guatemala>

Increasingly, over the past few years, information has been published about serious human rights violations and health and environmental harms being caused in Guatemala by (mainly) Canadian mining company operations: Goldcorp Inc, Radius Gold, Tahoe Resources, Hudbay Minerals, Skye Resources, etc.

It is not possible to understand how these violations and harms occur, and will continue to occur, without understanding the political context. In short, global mining companies profit financially and benefit directly from the fundamental lack of democracy and the rule of law in Guatemala, both historically and on-going today. (This is true, in varying degrees, about global businesses and investors operating in many countries around the world.)

Rhetoric aside about respecting the sovereign democratic will of the duly elected officials of Guatemala, about abiding by the laws and regulations that govern the country and the mining industry, impunity and corruption are the norm in Guatemala. The wealthy elites in Guatemala, including international companies and investors, act with a huge amount of impunity and have almost complete immunity from legal or political accountability.

The roots of Guatemala's impunity and corruption go back 500 years to the European invasion of the Americas. In recent history, Guatemala's impunity and corruption are rooted in the 1954 military coup, and in the State repression and genocide of the 1970s, 80s and early 90s.

### **MILITARY COUPS AND MINING**

While Guatemala has the formal structures of a democratic country -- political parties, elections every 4 years, ostensible separation of powers between the executive, legislative and judicial branches, etc. -- the country is deeply characterized by historically rooted racism, exploitation and poverty, repression and the impunity and corruption with which the powerful sectors act.

Most Guatemalans refer to 1944-54 as their only time of real democracy, when successive civilian governments came to power and actually started to bring about positive reforms as to how the country operated. This "democratic spring" was ended brutally in 1954 when the U.S. government orchestrated a military coup against the government of President Arbenz. The North American media played its role supporting this illegal intervention using the 'Cold War' propaganda of "fighting communism" to justify the unjustifiable. U.S. allies, notably Canada and western European nations, turned a blind eye to yet one more U.S. led intervention.

Soon after the 1954 coup, global nickel companies -- notably the Canadian mining giant INCO (International Nickel Company) -- set up shop in eastern Guatemala, in the Mayan Qeqchi territories of El Estor (department of Izabal) and Panzos (Alta Verapaz).

The fundamental point to understand, with respect to the next 60 years of nickel mining related harms and violations (that continue today), is that INCO received its concession and actually purchased a huge swath of land from the post-military coup regime. Since INCO's

arrival in Guatemala, these concessions and purchases have been challenged as illegal by the Qeqchi people who have lived in this region for 100s of years ... to no avail. The post-1954 military regime was certainly not going to respect the democratic will and human rights of the Guatemala population, particularly of the Mayan majority.

Ignoring that it acquired its concessions and land from a repressive, post-military coup regime, INCO (and other nickel companies since then, including Skye Resources and Hudbay Minerals) have always referred to the local indigenous populations as "illegal squatters."

### **GENOCIDE AND MINING**

Flash forward 20 years. The same military and oligarchic sectors that collaborated with the U.S. government to carry out the 1954 military coup, and were thus brought back to power, collaborated with the U.S. government in the worst years of State repression and genocide in the late 1970s, 80s and early 90s. Again, the justification of the unjustifiable was the "war on communism."

In 1999, the United Nations 'Truth Commission' published its "Memory of Silence" report about the atrocities committed in Guatemala during the 'Cold War' years of repression and genocide, concluding that at least 250,000 mainly people were killed or disappeared and that in certain Mayan dominated regions of the country, genocide was planned and carried out against the local Mayan populations. While the Truth Commission did not go into depth examining the role of other governments and international actors in supporting or participating in the State repression and genocide, it did conclude that INCO (via its Guatemalan subsidiary EXMIBAL) collaborated with the Guatemalan military in the El Estor region in the 1970s and early 80s, in the carrying out of human rights violations, including killings and disappearances, against the local Qeqchi population.

No justice was ever done for these crimes; INCO was never held accountable, neither in Guatemala nor in Canada, for its collusion with successive military regimes in Guatemala.

The point to highlight, again, is that while cloaking its operations with the rhetoric of democracy, the rule of law and helping bring development to Guatemala, INCO was directly partnered with military regimes that were brutalizing their own population, acting with absolute impunity.

Flash ahead again. The current wave of mining related harms and violations begins in the late 1990s when the majority of Guatemalans were still reeling from two decades of extreme military repression and genocide. Even as most Guatemalans were barely beginning to talk publicly about the years of repression and genocide, and while Mayan communities were just beginning the process of digging up mass graves to give their massacred loved ones decent burials, Guatemala's Congress -- undemocratic by just about any definition -- reformed the country's Mining Law in favour of global companies and investors, and the Ministry and Mines and Energy -- equally undemocratic -- handed out hundreds of mining concessions to mainly Canadian mining companies.

Most Guatemalans had no knowledge of, or participation in the mining law reforms. In violation of national and international law, the government of Guatemala never carried out any transparent consultations, asking for and getting the permission of local populations, before giving mining concessions to international companies.

Again, the fundamental point is that through the 1990s and into the 2000s, Guatemala's ostensibly democratic governments have been dominated by the same military and

oligarchic elites that were brought back to power by the 1954 military coup and who were in power during the worst years of repression and genocide in the late 70s, 80s and early 90s.

### **MINING AND 'THE GENERALS'**

In the late 90s and early 2000s, when most of the ill-gotten concessions were acquired by global mining companies, the FRG (Guatemalan Republican Front) was the dominant political party in Guatemala. Former general Efraín Ríos Montt was the president of the FRG and the most powerful politician in Guatemala. Ríos Montt is well known, internationally, to have been one of the main intellectual authors of Guatemala's worst years of repression and genocide. In fact, he is on trial for being an intellectual author of Guatemala's genocide in the Mayan Ixil region.

During these years, other governments and the international business and investor community had no qualms, whatsoever, doing business with a regime led by Ríos Montt. Most Canadian companies operating in Guatemala today, including Goldcorp, actually got their mining concessions when the FRG party formed the government and when Ríos Montt was the president of Congress and by any measure the most powerful politician in the country.

Similarly today, the government of Guatemala is led by former general Otto Pérez Molina, also known to be one of the intellectual authors of Guatemala's genocide and state repression. Today, no government, let alone the international business and investor community has expressed any concern about doing business with a government led by Pérez Molina.

In a global order based on the rule of law, both Ríos Montt and Pérez Molina would be in jail, for life, on war crimes charges.

Added to this dismal and undemocratic political reality, every national and international human rights group that reports on human rights violations in Guatemala concludes that impunity remains the norm in Guatemala. Over 99 per cent of all crimes never get resolved let alone even investigated.

In this context, global mining companies predictably violate human rights and cause health and environmental harms in their operations, knowing full well they will not be held accountable in Guatemala.

### **RELATIONSHIP OF ROBBERY**

But this is not narrowly a 'Guatemalan' problem; it is profoundly a 'Canadian' problem. The mining operations and struggles playing themselves out in Guatemala are examples of the global economy at work. It is a north-south business, by definition, and a profoundly unequal, unjust one. As the vast majority of profits flow north to company directors, shareholders, investors and tax payments, all the harms and violations occur where the mines operate.

Given the reality of historic repression, impunity and corruption in Guatemala, it is extremely difficult and dangerous for Guatemalans to demand accountability from their own government and powerful economic sectors. And yet, they keep on struggling, peacefully, in defense of their community well-being, water sources, forests and lands, for real democracy and for a functioning and fair legal system. Repression --including shootings, killings, illegal forced evictions, jailings on trumped up charges -- continue unabated.

Ultimately, it is Canadians -- the direct and indirect beneficiaries of these mining operations -- who have as much, if not more responsibility to challenge and change these relationships of mining operations, harms and violations, and unjust enrichment.

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