

The Enormity of North American Investor and Global Mining Impunity in Guatemala: Case study Goldcorp Inc.

(<http://us9.campaign-archive1.com/?u=ea011209a243050dfb66dff59&id=4ca5b4b1ab>)



Rights Action re-posts information from UFMJ (United For Mining Justice):

<http://www.unitedforminingjustice.com/blog/category/Canadian-Mining-in-Latin-America>

- Join the February 22nd webinar to find out how to support work to divest pension and private funds from companies that violate human rights, harm the environment and cause repression
- Read Jackie McVicar background article, below

Webinar – Wednesday, February 22:

Since 2009, members and pension holders of the United Church of Canada have expressed concerns about investment in Goldcorp Inc., one of Canada's largest mining companies with a history of committing serious human rights violations. Despite a motion passed by 78% of the UCC, the pension board refuses to divest. Instead, they prefer management engagement with the company, a widely critiqued strategy that has left affected communities out of the conversation.

Join the webinar to:

- hear from Mining the Connections, the group that spearheaded the divestment campaign
- better understand how and why pension boards can disregard the voice and will of the people they represent
- consider actions to make the structures that govern investments more accountable

- learn about other actions to make the Canadian extractive sector more accountable including participation in the Canadian Network on Corporate Accountability Open for Justice campaign

Webinar, Wednesday, February 22, 1pm EST (10am Pacific / 11am Mountain / 12pm Central / 1pm Eastern / 2pm Atlantic / 2:30pm Newfoundland & Labrador)

- Register for webinar: <http://www.unitedforminingjustice.com/webinar-update-on-divestment-from-g>

Living Solidarity? Pension Board of United Church of Canada refuses to divest from Goldcorp despite will of church and calls from affected communities

Originally published in Canadian Dimension print magazine in January 2017.

By [Jackie McVicar](#), UFMJ (United For Mining Justice)

For Mining the Connections, and United Church of Canada members across Canada, seven years of struggle came down to this moment. Divest or continue to engage? In November 2016, at a meeting of the General Council Executive in Toronto, the Pension Board of the United Church of Canada squashed any doubt that remained about divesting from Goldcorp Inc. and presented its reasoning for keeping its money with the Vancouver mining giant despite a vote voicing opposition to that position by the church as a whole.

In August 2015, the General Council of the United Church of Canada, the national assembly that meets every three years, voiced its will that its Pension Board divest from Goldcorp Inc. The vote passed with 78% in favour, following a motion brought forward by four regional church bodies from across the country.

Though the initiative to divest from Goldcorp was first brought forward in 2009 by a group in the Maritimes called Mining the Connections (a working group of the Church in Action Committee of the Maritime Conference of the United Church), a grassroots movement across Canada emerged once the difficulties of divestment - and the irreversible negative impacts on partners in Guatemala - grew.

PHOTO: Crisanta Hernandez

Soon after Goldcorp began operations in San Miguel Ixtahuacan, communities started seeing fissures in the walls of their homes, later developing into huge cracks, leaving their home inhabitable. Crisanta Hernandez and her infant stand in their home near the Marlin Mine in front of a wall that eventually collapsed. In addition to having her home destroyed, Hernandez has suffered tremendous loss since the arrival of Goldcorp in her community - being criminalized for four years for peacefully protesting and suffering the loss of her brother, a member of the resistance to the mine, who was beaten and burned alive.

In its reasoning for staying with the company, the white and predominantly male Pension Board concludes that divestment would have no effect on the company or its policies. They go on to say that ultimately divestment would not change anything at Goldcorp's controversial Marlin mine, which has been the focus of the divestment campaign, nor anywhere else the company operates.

Despite a recent United Church call for solidarity with the resistance at Standing Rock, in the church's history of colonizing practices, the Pension Board decision is not the first time that the church has decided for Indigenous Peoples what is best for them.

The Pension Board's written response, published online a week before the face-to-face meeting, notes, "Instead, the Board chose to engage with Goldcorp management to bring to their attention the issues and concerns that have been raised by the church's partners in Guatemala. This engagement...has resulted in substantial change to corporate policies and practices."

According to Mining the Connections, engagement through SHARE has not resulted in comprehensive positive changes for the communities. The United Church, like other churches, unions and universities in Canada, uses the shareholder engagement group (SHARE) to enter into dialogue with the company regarding human rights concerns, though they often have no mandate or capacity to investigate and address the most serious impacts presented.

In 2012, after the second motion to divest from Goldcorp was brought forward, the Pension Board blocked discussion on the floor of the General Council meeting on the subject of divestment. Realising that the Pension Board is not legally required to be accountable to member's decisions on investment, Mining the Connections knew it would be important to have a cross-Canada movement and began to educate members more broadly. In 2015, poking holes in the fiduciary-responsibility narrative that the Pension Board relies on, the motion brought forward was framed as a moral imperative.

Indigenous Communities Speak

Maudilia Lopez is a Maya Mam Catholic nun who lives and works in San Miguel Ixtahuacan, where Goldcorp's Marlin mine has been operating for over a decade. Along with her colleagues, she has met with United Church members and staff time and again to ask that they divest from Goldcorp. Living on the front lines, she sees and feels the social and environmental impacts of the gold mine every day.

In a recent interview while she was in Montreal to denounce the injustice her community faces, she spoke candidly about the role that racism plays in the struggle against the mine. She notes that Indigenous Peoples are often labeled violent, even terrorists, when they are trying to defend their water and territory, in an attempt to discredit their position. "It's not enough for only us to speak out. We have said so much, but we aren't given credibility."

When asked specifically about keeping church pension funds in Goldcorp, she looks noticeably saddened. "Investors should know the damage their money causes us. If the church believes that their money is doing something good, they're wrong. On the contrary, they are killing us."

Photo: Diodora Hernandez

Diodora Hernandez miraculously survived gunshot wounds to her face leaving her without sight in one eye. The two men responsible for the attempted murder have not been prosecuted and Hernandez has been repeatedly victimized and attacked for her resistance to the gold mine. In addition, she has not been given access to potable water, as ordered by the Inter American Human Rights Commission to 17 communities near the Marlin mine for fear of severe water contamination, because of her resistance to the mine and for refusing to sell her land to the company.

The Marlin mine was built in Indigenous Maya Mam and Maya Sipakapense territory in the early 2000s. It was an example, a test of sorts, in Guatemala. Being the first transnational gold mine company to enter the country since the 1996 signing of the Peace Accords and a 36-year period of internal armed conflict seeing hundreds of thousands of Indigenous Peoples massacred and disappeared, all eyes were watchful to see how the newly opened market would respond to the resource extraction plan. Investors and Guatemala's business elite were giddy - especially after more gold than was hoped for was found at Marlin. With full support from the Canadian Embassy in Guatemala, it seemed unstoppable, despite opposition to the project from the very beginning.

In 2005, the year that the mine was set to begin extraction, the company went so far as to try to stop a community-organized and municipal government-backed community consultation in Sipakapa in June 2005 through a court injunction. Nonetheless, the plebiscite went ahead and an overwhelming majority voted against metal mining in their territory. "Sipakapa Is Not For Sale" was a slogan heard throughout the country and the consultation kicked off a peaceful national direct democracy movement to defend Indigenous territory against projects that threaten to displace and destroy life.

Hundreds of thousands of Indigenous and Mestizo people throughout the country have now voiced their opposition to metal mining, including Goldcorp mines and spin-off projects, casting serious doubt on the possibility of having socially-responsible investment in communities that have voted "no". Viewing the lack of proper consultation as discriminatory and racist, in 2007, Indigenous communities directly affected by the Marlin mine filed a complaint against the Guatemalan State regarding lack of consultation and free, prior and informed consent to the Inter-American Human Rights Commission.

In early 2005, Indigenous Maya Kaqchikel leader Raul Castro Bocel was killed in the largest mining related protest to happen in Guatemala's new era of "peace". Though not from the region where the Marlin mine was opened, Castro Bocel and hundreds more from his community were standing in solidarity with the Peoples of San Miguel and Sipakapa in Guatemala's strong tradition of solidarity between Indigenous Peoples for the defense of territory. His courage to stand up and protect what he saw as sacred - Mother Earth, the water, life - and his murder as a result, throws the meaning of solidarity in action on its head for a group of church activists, and their pension board. With so little to lose compared to those on the front line, and knowing the irreparable injustice that is happening on the ground, what possible moral justification exists to not do as those, like Maudilia Lopez and the parishioners she serves, have asked, especially when it is so little compared to what they are facing?

State forces murdering Indigenous Peoples to protect companies and their interests is all too familiar, but Castro Bocel's death was an early warning sign for the future of those in resistance to mining and other resource exploitation projects in Guatemala. As mines, and the dams they need for electricity, became the focus of the Guatemalan State's strategy for direct foreign investment post-conflict, the Marlin example was heard loud and clear. It was then intensified and repeated throughout the country, which can be seen through an Osgoode Hall Law School's Justice and Accountability Project (JCAP) recent report that examines violence at Canadian mines throughout Guatemala, and Latin America more broadly.

In 2008, Sustanalytix took Goldcorp off their list of socially responsible companies to invest in, yet the United Church of Canada Pension Board sought approval to continue investing in the company, a practice they continued for seven years, before the responsible investment research firm okayed them in 2015.

Though the funds the UCCPB have invested in Goldcorp are relatively small, by divesting publicly from Goldcorp between 2008-2015 - when Sustainalytics advised not to and when two motions were presented by concerned members of the United Church to do so - could they have made an important precedent and call to action for other churches and unions invested in the company? Could Goldcorp's deadly precedent have been stopped if investors had pulled out early enough?

Photo: Jaime Otero Perez Lopez

Jaime Otero Perez Lopez, an indigenous Maya Mam man who worked at the Marlin Mine, was killed in a mine accident in April 2016. He earned Q2500 (\$325USD/month) to risk his life working in the tunnels of one of Goldcorp's most profitable mines. A 2010 Human Rights Impact Assessment critiqued Goldcorp for being unacceptably inattentive to health and safety conditions at the mine and concluded that the company has not adequately respected freedom of association and the right to collective bargaining.

As recently as September 2016, Goldcorp walked away from a national dialogue with the State and affected communities near the mine to discuss implementation of the precautionary measures ordered by the Inter-American Human Rights Commission as a result of the 2007 petition. According to the communities' lawyer walking away effectively put a halt to the process to guarantee potable water for 17 communities around the mine.

In addition to a precedent of violence and social conflict that Goldcorp introduced in Guatemala, the dependency between the company, and later other Canadian mining companies, and the Guatemalan State has also become increasingly evident. In June 2016, just days after Guatemala's Constitutional Court declared another Goldcorp license called "Los Chocoyos" illegal due to lack of consultation, the UN-mandated International Commission Against Impunity in Guatemala and the Public Prosecutor's Office issued an arrest warrant for Eduardo Villacorta, former Goldcorp Sr. Vice President for Central and South America.

Villacorta and Goldcorp's subsidiary Montana Exploradora, is part of a growing list of people and corporations wanted for questioning for collusion with the former President and his administration by providing illicit campaign funding in return for government-granted pay-offs. While Villacorta is still at large and no charges have been laid, his role representing the largest mining company operating in Guatemala and their close relationship with the now toppled government is clear. Of 57 others charged in the corruption scandal 53 have been ordered to face trial, indicating a high level of probability that Villacorta would also be prosecuted if captured. This legal case is in addition to a recent class-action lawsuit on behalf of shareholders against Goldcorp for failing to disclose water contamination at its mine in Mexico and subsequently filing false and misleading information.

New relationships, or more of the same?

In 2015, Crisanta Perez, a Maya Mam mother of eight and fierce opponent of the mine, travelled to Canada to denounce the actions of Goldcorp. Crisanta and seven other women were criminalized – judicially targeted on trumped-up charges – by the company for more than four years before a Guatemalan court sided with them. During that time, the mountain where she would collect the sacred medicines she needed for her and her family were destroyed. Her spirit connection to the sacred had been severed for the sake of gold and a 2 kilometer deep hole had been carved into the earth to get at it.

In a country (Canada), and Church, that spouts reconciliation with Indigenous Peoples, asks for forgiveness for harms of the past and talks about new relationships, how is it possible to continue investing in this destruction? It's insulting, and worse, racist and oppressive, to not act for change when you have the opportunity.

Cathy Gerior, wape'k mikjikj e'pit - white turtle woman, daughter of a residential school survivor, wrote a letter to the People of the United Church of Canada about its pension board's investment in Goldcorp in 2012 after meeting Crisanta and others at the International Health Tribunal in Guatemala which documented the physical, social, mental and spiritual health impacts of Goldcorp's mine.

"I feel confused and betrayed. My teachings are that an apology is not sincere when the one who apologizes continues to do the same thing that was harmful...How is it possible to, on the one hand, to work hard to reconcile with the past of violations against the native people here; and then on the other, consciously and willingly profit from the violations currently being perpetrated on the native people in Guatemala? While in Guatemala, I saw very clearly that the Mayans are indeed our brothers and sisters, with their connection to Mother Earth and their life-giving ceremonies."

Being in solidarity with those who are on the front line is not an easy task. It cost Raul Castro Bocel, and many others in Guatemala and around the world, his life. It is easy to talk justice and preach stewardship when you can sleep at night under a roof you know won't collapse over your head and the water that your tea was made with in the morning won't poison you and your kids. It's exhausting to wake up every morning with the weight of disaster on your shoulders, knowing that because you are Indigenous, because you are considered poor by those in power and don't speak the same language as your oppressors, that your voice won't be heard, that no one will heed your call.

The question for allies, especially white men and women who have created systems to ensure they are the ones with power to make decisions, remains: Are you going to do something or wait until it's over and beg for forgiveness, say you had no idea what was happening and promise it will be different next time?

There's no doubt the pension board could've made a huge impact on other want-to-be-socially responsible investors, like churches and unions, 5 years ago, when there was a buzz around Marlin, its flawed Human Rights Impact Assessment, and the recommendations that company failed to implement. At a time when the women were in the midst of violent physical and social attacks before being vindicated for protecting their community. Before Diodora Hernandez, a grandmother who refused to sell her land to the company, was shot in the head. What about now?

The United Church of Canada investments in Goldcorp are significant, but relatively small. Not even close to the hundreds of millions of dollars that other pensions boards hold, including the Canada Pension Plan and unions from across Canada. But its public divestment and the symbol of doing what is right would be huge.

Despite in-country visits, expert analysis and personal testimonies, the United Church of Canada Pension Board has given the benefit of the doubt to Goldcorp. Not partners, the churches on the ground and religious NGOs documenting the serious human rights violations. Not the people on the ground experiencing and watching as their community was destroyed around them, who urged for divestment. They didn't listen to the Bishops, or sisters or lay people who compared investing in Goldcorp to investing in death and the destruction of their culture and traditions. The Pension Board didn't have to

listen to the people whose money they're managing, the staff and personnel who called on them to do what they saw as the right thing to do and divest.

When the metals are gone and Goldcorp leaves, the mess - both social and environmental - will be left to the Indigenous Maya Mam and Maya Sipakapense communities to deal with. Just as we've seen over and over again throughout Canada's history of colonization, future generations will still be picking up the pieces long after the gold is gone and damage is done.

(Jackie McVicar has worked and lived between Canada and Guatemala for the past 12 years. She currently works with United for Mining Justice, a network of United Church of Canada members and allies working for accountability and justice in the mining sector. She is also a member of the United Church. She is dismayed and indignant by the audacity of the Pension Board to refuse to listen to the will of its members and partners to divest from Goldcorp. For more information, visit: www.unitedforminingjustice.com)

Gold Fever

Award winning film Gold Fever documents how Canadian mining giant Goldcorp Inc. continues to mine relentlessly in San Miguel Ixtahuacan and Sipacapa, Guatemala, despite 13 years of repression, other human rights violations, environmental destruction, corruption and impunity. Gold Fever takes the viewer into the homes and communities of courageous Mayan Mam people resisting the harms and violations, struggling for justice and a different "development" model.

- Trailer / Information: www.goldfevermovie.com/

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