

Constitutional Court of Guatemala ordered immediate suspension of “Fenix” nickel mine operation in Mayan Q’eqchi’ territories

<https://mailchi.mp/rightsaction/guatemalan-court-ordered-suspension-of-fenix-mine>

Will decision impact the Hudbay Minerals (Skye Resources) lawsuits in Canada, as decision puts into question the underlying legality of Hudbay/Skye’s years of mining in Guatemala (2005-2011), during which time the repression and harms linked to their mining operation occurred, including killings, gang-rapes, shootings, forced evictions and community destruction?



“Fenix” mountain-top removal nickel mine, Mayan Q’eqchi’ territories, eastern Guatemala

The mine is operated by the Guatemalan Nickel Company (CGN), owned since 2011 by the Swiss-based Solway Investment Group. Prior to that, the owner was Hudbay Minerals and Skye Resources, 2005-2011.

Ratifying its own June 19, 2020 ruling, Guatemala’s Constitutional Court concluded that CGN has been illegally operating the mine since 2005, that a legally required consultation process was never carried out with the impacted Q’eqchi’ peoples, and that a proper Environmental Impact Assessment was never carried out.

The Court ordered:

- The Ministry of Energy and Mines to limit the territorial space of the license to 6.29 Km-sq of the 247.9978 Km-sq originally authorized, as the Environmental Impact Assessment only covered this smaller portion;
- Pre-consultation and consultation processes provided for in ILO Convention 169, with the peoples settled in the area of impact of Fenix mining project;

- The complete suspension of all mining within the 6.29 Km-sq area, until the consultation process is concluded.

The Attorney General's office and the Ministry of Energy and Mines are now obliged to enforce the suspension of the mine.

More information

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Background

MEM suspende licencia de explotación de Fénix, la última mina metálica activa en Guatemala

Por Rosa María Bolaños, 23 febrero 2021

<https://www.prensalibre.com/economia/mem-suspende-licencia-de-explotacion-de-fenix-la-ultima-mina-metalica-activa-en-guatemala/>

Hudbay Minerals head of security pleads guilty to killing and assaults near Guatemala mine

Rights Action, January 8, 2021

<https://mailchi.mp/rightsaction/hudbay-minerals-head-of-security-pleads-guilty-to-killing-and-assaults-near-guatemala-mine>

Archives - Hudbay Minerals (INCO, Skye Resources, Solway Investment Group)

<https://rightsaction.org/hudbay-minerals-archives>

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