

January 27, 2005

GUATEMALA: ANALYSIS OF GLAMIS GOLD'S MINING INTERESTS

Below, you will find an article by Aaron Pollack & John Tynnela. Both authors have lived and worked in the Western Highlands of Guatemala, including with the United Nations in the late 1990s. Please re-distribute and publish this article, citing authors and source. If you want on-off this elist: info@rightsaction.org

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COMMENTARY ON THE SERIOUS PROBLEMS BEING CAUSED BY GLAMIS GOLD'S MINING OPERATIONS IN GUATEMALA

by Aaron Pollack & John Tynnela

On Tuesday January 11th, Raul Castro Bocel, a Maya-Kakchiquel man, was killed in clashes between Guatemalan security forces and local residents as he participated in efforts to block the passage of heavy mining equipment headed toward the Marlin Project, a gold and silver mine in Guatemala's Western Highlands. The mine owner, Canada's Glamis Gold, acting through its subsidiary, Montana Exploradora, plans to open the mine later this year and expects to extract, over a ten year period, about 2 million ounces of gold from what may become the largest mine in Central America.

Guatemala's President Berger justified the mobilization of security forces as necessary protection for investors, and Glamis Gold assured shareholders that the Guatemalan authorities had decided that "the flow of commerce must continue" in spite of the efforts of "anti-development activists". The Canadian Ambassador to Guatemala clarified that "permits have been granted according to national and international regulations".

None of these actors has publicly acknowledged, however, the deeper roots of the conflict and protest over this Canadian operation: the failure of the Government to undertake an adequate process of consultation with the indigenous Maya People affected by the mine and to address the environmental concerns that the mine has generated in national public opinion. In its failure to organize a consultation process, the Guatemalan government has violated the International Labor Organization's Convention 169 on Indigenous and Tribal Peoples (ILO 169), to which Guatemala is a signatory, and has created conditions which promote confusion, uncertainty, and anger among the affected townspeople regarding the risks and benefits of the mine. Equally troubling is the fact that the World Bank, through its private investment branch (the International Finance Corporation), agreed in late 2004 to provide Glamis with 45 million dollars in equity investments and loans, in spite of the brewing protest and the fact that the so-called consultation process had been undertaken not by the government, as ILO 169 stipulates, but by the mining company.

Guatemalan law (particularly ILO 169) requires consultation before initiating activities that could have significant impact on indigenous Peoples, an extremely significant legal fact, in light of the fact that over half of the Guatemalan population is indigenous. While there is much debate as to what "consultation" means in practice, the World Bank's own policy should have raised red flags regarding at least two failures of compliance in this case: first, the consultation is an obligation of the Government, not the company; second, the Government must seek "consensus" with the affected population in a process that takes into account local conditions.

In the region in which this Canadian mine will operate, those conditions include the fact that most of the population does not speak Spanish as a first language, that illiteracy rates are high, that poverty rates are still higher, and that citizen participation continues to be highly restricted by the same fear and terror that characterized the 36 years of internal armed conflict under a military dictatorship that only ended with the 1996 Peace Accords. Furthermore, local municipal politics in the most affected municipality are currently dividing the population and inhibiting active involvement by local residents, reflective of a still fragile, and mostly predatory rather than participatory, democratic transition. Some Mayan leaders complain that a real consultation process would have brought together all members of affected communities in open public fora, applying Mayan principles of decision-making and consensus.

These conditions only highlight further the importance of an appropriately sensitive consultation process guaranteed by the Government. Instead, local residents were treated to a public relations campaign paid for by Glamis - a campaign that has been directly contradicted by information communicated to the affected communities by environmental organizations that have sought to raise awareness about the risks associated with the open pit cyanide leaching process, a process that has been prohibited in both the European Union and the U.S. state of Montana. The contradictory information has generated a fearful uncertainty among many people in the affected towns who, in the absence of both a neutral regulatory agency acting in the public interest and any clear benefit that the mine will provide them, tend to oppose the mine, preferring to err on the side of safeguarding their livelihoods. Glamis and the World Bank consistently respond to local protest with the accusation that it is fomented by "outsiders" who (by telling people about the risks that the such a mining project necessarily entails) are said to be deliberately misinforming them.

This is the context in which Raul Castro Bocel died two weeks ago. His death was preceded by a late attempt by the Guatemalan Government, with support from the Canadian Embassy, to generate public support for mining through a National Mining Forum, held in early December. Many of those who oppose the mine, or who question the way in which it has been implemented, did not find this forum to be sufficiently open and neutral, however, and held a parallel one-day meeting. Through this alternative forum and other efforts at public education about this type of mining, many Mayan communities became aware of, and concerned about, ongoing exploration in their own towns and the potential implications that an expansion of mining in Guatemala could have on their lands and their health.

A few days after the Forum, in early December, a truck carrying a giant cylinder to the Marlin project on the main road leading to the Western Highlands stopped because a pedestrian overpass blocked its passage. Those accompanying the equipment began to physically

remove the overpass without previously contacting local officials, angering Maya Kaqchiquel residents who responded by detaining the vehicles and, in the confusion that followed, setting fire to one of them. Only on January 11 would the trucks again begin to move, this time accompanied by Guatemalan police and soldiers who managed to force the trucks through only after Raul Castro Bocel was killed, and others, including policemen, were injured.

Hopefully, this tragic and unnecessary death will draw attention to the glaring failures on the part of the key actors who have pushed forward the mine and force those actors to address the concerns of those who have questioned the mine and the procedure used to implement it: environmental and social concerns; the failure of the government to consult with the affected communities; the limited benefits that the mine offers to the communities; and the present technical incapacity of the Guatemalan government to undertake a consultation process and to regulate the actions and impacts of the mine. Until now, the mine supporters have minimized these concerns and never engaged in serious discussions about them, suggesting an approach that is still geared to public relations campaigns rather than seeking a process that addresses the legitimate concerns of people whose lives may be gravely affected by the mine. Until these various issues are addressed, the potential for more violence will grow, and though conditions on the ground may not permit that an unbiased consultation process be undertaken in this case, some sort of structured and popularly legitimate interchange among the various actors must be undertaken in order to prevent more bloodshed.

The concerns that we express in this letter echo those voiced by some of the most influential public leaders in Guatemala, including the Ombudsman and the Archbishop, in addition to non-governmental organizations representing Mayan Peoples, farmers, environmentalists, and human rights activists.

If those who support the mine do not recognize the legality and the legitimacy of the concerns that are being voiced, it becomes difficult not to assume that for all of these different actors, international agreements such as ILO Convention 169 are mere words on paper, only applicable when convenient.

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RIGHTS ACTION, with its main office in Guatemala, is tax-charitable NGO that supports community development work in Chiapas, Guatemala, Honduras and Haiti, as well as Peru, Nicaragua and Costa Rica, and engages in north-south education and work related to global development and human rights issues.

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