

## GUATEMALA: RECUPERATING THE LAND THAT BELONGS TO US

After leading a Rights Action educational-activist delegation in Guatemala, including visits to mining-affected communities, Sandra Cuffe (caminando27@yahoo.es) wrote this article about on-going human rights violations caused by Skye Resources mining company and its mining operations in Guatemala.

Please re-distribute, re-publish widely. If you want on-off this  
elist:  
info@rightsaction.org.

WHAT TO DO: see bottom. Thank-you. Grahame Russell,  
info@rightsaction.org.

===

### RECUPERATING THE LAND THAT BELONGS TO US by Sandra Cuffe, Rights Action

‘Why are we gathered here tonight?’ asked community elder Roberto Caal, looking around at the dozens of women, men and children gathering under the palm-thatched roof of the open-air community hall in Barrio Revolucion, in the municipality of El Estor, in eastern Guatemala.

‘We have come to recuperate our land once again,’ he explained. ‘This land is for our sons and daughters.’

The indigenous Q’eqchi’ community of Barrio Revolucion was among the six groups evicted during three rounds of forced evictions in November 2006 and January 2007. Canadian mining company Skye Resources, which acquired the controversial property rights granted in the 1960s by a repressive military dictatorship to International Nickel Company (INCO), sought the evictions.

Decades after the brutal repression linked to the INCO nickel mine that operated briefly in the area in the late 1970s through 1981, State ‘security’ forces are once again being employed against the local Mayan population.

By the light of the near-full moon in the early evening and of the lightening flashing through the torrential downpour into the night, Barrio Revolucion was gathering for a ceremony in honour of the ongoing collective process of rebuilding. Nearby, in the neighbouring municipality of Panzos, department of Alta Verapaz, the community of La Paz (‘Peace’) was also gathering in preparation for a simultaneous ceremony.

‘How can they call us squatters?’ a resident of La Paz had asked a few

days earlier, when a human rights delegation of activists from Mexico, Canada and the United States visited three of the evicted communities.

La Paz (approximately 60 families), Lote 8 (100 families) and Barrio Revolucion (currently 95 families) have historic territorial claims to the recuperated lands from which they have each been evicted twice over this past year. Linked to the communities of Santa Maria, Cahaboncito and Chichipate, respectively, they are continuing a decades-long struggle in the face of powerful mining interests.

#### MEMORIES OF SILENCE: THEY NEVER CAME HOME

Reports by both the United Nations Commission for Historical Clarification in Guatemala and the Human Rights Office of the Archbishop of Guatemala found INCO subsidiary EXMIBAL complicit in grave human rights violations against opponents of the mining project, including threats and assassinations. Prominent lawyers involved with an ad hoc Commission established in 1970 in Guatemala City to investigate and oppose the mining concessions granted to EXMIBAL were promptly attacked and killed.

Local leaders struggling for their communities' lands were also targets for persecution and repression during the 36 years of armed conflict that left an estimated 250,000 people dead or disappeared. In each place, there were stories to tell about the leaders murdered in previous decades.

In La Paz, residents remembered relatives and neighbours from Santa Maria who had gone to the municipal office in the town of Panzos to participate in a peaceful demonstration for indigenous land rights in the region. Among the hundreds killed in the infamous Panzos massacre in 1978, they never came home. The very beginning of the 1980s saw other community members killed or forcibly detained because of their involvement in the land struggle.

Lote 8 elders recalled a meeting of some hundred people in Lote 8 nearly three decades ago. Community leader Apolonio Tux Rax left the meeting to go into the town of Panzos to get copies of documents related to Lote 8's struggle for their land. The elders explained that he went to the Municipality, but company security agents surrounded the building and detained him. He never came home.

The next day, residents of nearby Lagartos informed Lote 8 that they had seen a strangled body float by down the river, matching the description of the missing community leader. When other Lote 8 organizers went to the Municipality to inquire about the whereabouts of their leader, they were met with silence.

The only thing they said was that they knew nothing and that nothing had happened, they recalled.

## ENGRAVED IN OUR MINDS: WHAT OUR GRANDPARENTS TOLD US

Back in Barrio Revolucion, the storm subsided and community elders and leaders began to share their own stories while preparing the materials for the ceremony. Barrio Revolucion itself is the missing piece of Chichipate, the former surrounded on three sides by the territory of the latter. The community cemetery, at least 80 years old, lies within Barrio Revolucion.

It stayed when they removed us from here, explained elder Santiago, who was born in Barrio Revolucion lands and remembers working the mountainside to facilitate its use for agriculture. His own son, a leader in the local land struggle, was murdered in 1981. The murder of Pablo Bac Caal was one of the cases documented by the United Nations Commission for Historical Clarification.

Pablo Bac gave his life for the community of Chichipate. We want to take that example, said Alfredo Ical, a leader in Barrio Revolucion. Years ago, our grandparents engaged in a struggle to obtain this little piece of land.

We carry engraved in our minds what our grandparents told us, explained Ical.

They explained that this land belongs to Chichipate, related Tomas Chub, also a community leader. It does not belong to [Skye Resources subsidiary] CGN, nor to the EXMIBAL company.

Community accounts narrated a history involving the gradual encroachment by INCO subsidiary EXMIBAL onto the Chichipate lands that are now being recuperated, the eviction of families and the destruction of their crops.

Never used for mining activities, the lands were controlled for decades by the company, which granted their use to cattle ranchers.

The EXMIBAL company killed poor people over land, said Chub. They took lands away from the poor people of Chichipate.

He explained that these days, with the new company, what they're doing is the same.

## FENIX: RISING UP FROM THE ASHES OF REPRESSION

Vancouver-based mining company Skye Resources was essentially created in order to take over the Fenix nickel project when the 40-year mining concession granted to INCO subsidiary EXMIBAL back in 1965 was approaching its expiry date. Skye Resources operates through its subsidiary, the Guatemalan Nickel Company (CGN), which claims on its website that it has nothing to do with the old EXMIBAL.

Despite the company's attempt to distinguish itself from the past, the links between EXMIBAL/INCO and CGN/Skye are numerous. Skye Resources CEO Ian Austin himself is a former executive of INCO, which has since become CVRD Inco. The latter has retained rights to receive payments from Skye based on future production at Fenix and will also market any finished nickel products. Another important element revealing the corporate connection is the fact that Inco is a major investor in Skye, holding almost 9% of the company's shares.

The publicly funded Canada Pension Plan is another shareholder in Skye Resources, with roughly \$8 million invested in the company. The dominant player in the global mining industry, Canada funds and promotes Canadian mining corporations and the industry in general. Exemplifying this broader policy of institutional support, the Canadian Embassy in Guatemala has been denounced on various occasions for its active role in promoting mining despite concerns regarding indigenous, environmental and human rights.

In the Fenix project, however, the Guatemalan government itself is also a direct participant, through its 7% ownership of CGN. Thus, the company has had no trouble obtaining the appropriate permits. By January 2006, the Ministry of the Environment and Natural Resources (MARN) had already approved the Environmental Impact Assessment related to actual mining activities. The exploitation license for almost 250 square kilometres was then granted to Skye/CGN in April 2006.

Earlier this year, on June 7, Skye announced that its Guatemalan subsidiary CGN had received official approvals for the four Environmental Impact Assessments related to the processing plant. More recently, in a July 3 press release, Skye announced that it had received the construction permit, the last remaining permit required to start construction at the plant for the Fenix project.

In July, it was announced that a resolution by the Ministry of the Economy (#843, dated June 25, in file #487-2007) had determined that Skye subsidiary CGN would receive tax exemptions due to the company's classification under the Law for the Promotion and Development of Export and Maquila Activities (Decree #29-89). This classification allows the mining company to import materials and equipment duty-free and also exempts CGN from paying value-added tax.

While on paper things have been moving forward for the company, the future is much less clear not only for the evicted families who continue to rebuild, but also for many other indigenous communities in the hills above them.

This primarily is a land issue that is separate from the project, remarked Skye Resources CEO Ian Austin when asked about the recent

evictions and land conflicts at the company's annual shareholders' meeting this past May 17. According to Austin, none of the land where evictions have taken place contains mineral deposits, although some of it is of use to the project, such as housing.

The forced evictions took place on lands for which controversial mining company property claims and in some cases third party property titles overlap with the collective rights claimed by the indigenous population. The actual mineral deposits, however, are elsewhere. According to the local indigenous rights organization Defensoría Q'eqchií, an estimated 90% of the nickel lies under lands that in no way belong to the company, but to farmers, ranchers and some of the indigenous villages up above Cahaboncito and Chichipate. The majority of the 16 communities located on top of the nickel deposits are staunchly opposed to any and all mining activities and have, in some cases, carried out direct actions against the company.

Skye Resources has repeatedly claimed that the company has carried out extensive consultation activities and that the project has a very high level of community support. However, ever since Skye has resuscitated the project, local indigenous residents have denounced the fact that no consultations ever took place, in violation of International Labour Organization's Convention 169 on the rights of indigenous and tribal peoples, to which Guatemala is a signatory. The ILO itself accepted a petition regarding the total lack of consultations, filed in 2005 by a Guatemalan workers' confederation.

#### WE WANT PEACE, NOT EVICTIONS

The Peace Accords are not being carried out now, confided Alfredo Ical back in Barrio Revolucion. We are very worried. They offer us evictions. They offer us deceit. That is what we feel.

These collective feelings were prevalent when the ceremony got underway towards midnight, as the residents of Barrio Revolucion gathered around the offerings burning in the fire lit by community elders. A cacophony of prayers poured out into the night, flowing in each of the four cardinal directions. Among the tears and voices of anguish, rage and hope, certain words in Spanish cut through the Q'eqchií over and over: Police. Soldiers. Eviction. Mining company.

Barrio Revolucion and the other communities will not soon forget the series of evictions carried out on November 12, 2006, and the 8, 9 and 17 of January 2007. Tear gas was fired at unarmed groups of women, men and children. Company employees burnt homes to the ground. In November, no eviction order was presented, while in January one order was used to evict several communities. Soldiers were involved,

contravening the Peace Accords, which prohibit Army participation in internal policing activities.

The evictions are not the only thing worrying local residents. Leaders in La Paz expressed deep concern over reports that Skye/CGN has a list with the names of 27 community leaders in the area, including their own. Given the long history of persecution that has accompanied nickel interests in the region, they feel that they have cause for concern. In fact, over the past few years, activists working with the regional environmental organization Association of Friends of Lake Izabal (ASALI) and the indigenous rights organization Defensoría Q'eqchi' have received numerous threats.

Dialogue established between community and company representatives after the evictions in January fell apart after some six encounters in Puerto Barrios facilitated by bishop in the region. No record of the meetings was permitted, nor did the company ever reveal to the community representatives the land deeds it claims to own. The latter grew tired with the proceedings and the lack of any positive outcome. They explained that the company has made many promises — jobs, electricity, houses, animals — but that their struggle has a clear objective: "We want the land."

#### A BETTER FUTURE?

Only a few days after the ceremony in Barrio Revolucion, reports were confirmed of yet another round of evictions, scheduled to be carried out on August 9, the International Day of Indigenous Peoples no less. In the end, whether for political reasons or public relations interests, Guatemalan governmental authorities and Canadian mining company Skye Resources suspended the evictions — for now. Instead, the company decided to establish yet another round of dialogue, with professional facilitators.

It remains unclear, however, how even professional facilitators will manage to reconcile the two disparate worlds and the development they envision for this region of eastern Guatemala. On the one hand, indigenous communities continue their struggle for their rights to live on and from the land. On the other, a foreign mining company advances its business plan to extract metals from the land and turn a profit. In fact, Skye Resources may not be the only one with such a plan; Canadian mining company Nichromet and Australian mining giant BHP Billiton have enormous exploration licenses in the region.

"What we can do is try to offer a better future," said Skye Resources CEO Ian Austin at the May 17 shareholders meeting. "They need to move beyond subsistence farming."

"The work that we need is farming," clarified Tom's Chub of Barrio Revolucion. "Just like everyone says, it would be better if the

company would just leave.î

Today, rain has washed through the ashes that remained from the ceremony in Barrio Revolucion. The community continues to rebuild, home by home. Some 75 families have been cultivating the land and soon the corn will be ready to harvest.

îWe know that there are many here who call us invaders, but we are not invading the land. We are recuperating the land that belongs to us,î explains Ical. îWe are engaged in this struggle for the well-being of our families.î

îBarrio Revolucion continues the struggle.î

===

WHAT TO DO: Same as always ò

Denounce to your politicians, media, and companies and investors in Canada and the US, about the enviro- and human rights violations caused by North American mining companies in Guatemala ... UNJUST ENRICHMENT should not stand ...

Come to Guatemala with an educational delegation to learn more about the abuses caused by North American mining companies and to build relations of solidarity with local communities.

TAX-DEDUCTIBLE DONATIONS: to support community development and enviro-defense work of community-based groups in Guatemala, make check payable to "Rights Action" and mail to: UNITED STATES: Box 50887, Washington DC, 20091-0887; CANADA: 422 Parliament St, Box 82552, Toronto ON, M5A 4N8. CREDIT-CARD DONATIONS: [www.rightsaction.org](http://www.rightsaction.org).

===

YES, ANOTHER WORLD IS POSSIBLE: Rights Action, along with other organizers, are now working to prepare for the III Americas Social Forum (FSA-Guatemala) to be held in Guatemala City, October 7-12, 2008. This event is expected to attract approximately 30,000 people. MORE INFORMATION - FSA-Guatemala: Grahame Russell, [info@rightsaction.org](mailto:info@rightsaction.org).