

Union letter about Goldcorp Inc in Guatemala
August 14, 2008

A member of CAW joined a Rights Action educational seminar-delegation to Guatemala in May 2008, including a visit to the Goldcorp Inc affected regions.

Based on follow-up education work done back in Canada, the Mine Mill & Smelter Workers CAW (Canadian Auto Workers) Local 598, out of Sudbury, Ontario, Canada, wrote this letter to Goldcorp Inc.

Please read and re-distribute. WHAT TO DO: see below

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July 24, 2008

Kevin McArthur, President and CEO,
Ian Telfer, Chairman, Board of Directors,
GOLDCORP INC.
Park Place
Suite 3400-666 Burrard Street
Vancouver, B.C. V6C 2X8
Telephone: (604) 696-3000
Facsimile: (604) 696-3001

Dear Sirs,

On June 25, 2008 the Executive Board of Sudbury Mine, Mill and Smelter Workers Local Union CAW Local 598, adopted the following motion:

"That Mine Mill CAW Local 598, fully support the ongoing struggle of the indigenous people of Guatemala against Goldcorp's open-pit cyanide leach mining on their lands."

It was further moved that the Local write to you, as the President and CEO of Goldcorp and to the Chairman of the Board of Directors, to demand that Gold Corp and its wholly owned Guatemalan subsidiary, Montana Exploradora, respect the wishes of the people of Sipakapa to stop its mining activities, in Sipakapa and to fully respect the process and the outcome of the community consultation to take place in San Miguel Ixtahuacan (SMI).

The Mine Mill Executive Board saw a photo presentation and received a well documented eye-witness report from a CAW national staff representative who visited the communities of San Miguel-Ixtahuacan and Sipakapa on April 30 and May 1, 2008. San Miguel-Ixtahuacan (SMI) and Sipakapa are the communities directly affected by the cyanide leach mining operation that your subsidiary, Montana, is conducting in the department of San Marcos in the western highlands of the country. (85% of the total planned mining project is in SMI and 15% is in Sipakapa)

Mine Mill Local 598 is certainly competent to speak to mining issues. We have a long history in this industry. The Local, which was later to become Mine Mill Local 598, was first chartered by the Western Federation of Miners in 1910. Miners and maintenance and smelter workers in Sudbury, now employed by Xstrata Nickel, belong to the 1700 member Local.

The local union also represents workers in First Nickel, Mansour Mining, University of Sudbury, St. Joseph's Nursing Homes, Iris Addiction Recovery for Women, Elizabeth Centre, Midas Car Care, Finlandia Nursing Home and Finlandia Care Services.

Two issues were decisive for us in our deliberations. The fact that the community of Sipakapa has already carried out a community consultation in June, 2005, under the International Labour Organization's Convention 169.

In this consultation with help of the Roman Catholic Diocese of San Marcos, 2,600 residents took part, of whom 98% said "no" to the mining. The people of Sipakapa subsequently elected a municipal council which is unanimously opposed to the mining as a violation of the rights of the indigenous people. The elected authority in the community is taking every peaceful, legal course of action it can to have the mining stopped in its territory.

The extent to which the mining operations deplete the water supply

This is an area of San Marcos in the western highlands the majority of people must continue subsistence farming in order to live. We understand that according to its own Environmental Impact Assessment, your subsidiary's mining process uses approximately 250,000 litres of water an hour which is about what one Campesino family would use in 22 years, for personal use and for their crops and animals. (Sipakapa No Se Vende, Sipakapa is not for Sale, Caracol Producciones, Guatemala, 2005)

You may claim that between February and September, 2003, Glamis Gold, since acquired by Gold Corp in 2006, held 74 informational meetings with 4617 people in SMI and Sipacapa. On this basis, you may claim the communities were "consulted".

In addition, according to ILO convention 169, it is necessary for the government, and not the private company, to consult with indigenous people. It is clear that the legally required government led consultation was not carried out in the case of the Marlin Mine. (Holt-Himenez, Eric, "Glamis Gold, the IFC and the News Media, a Review of the EIS on the Marlin Mine", BIC, September 2005, p.7)

In January 2007, the Office of the Human Rights Ombudsman of Guatemala published its 2006 report and confirmed that the right of indigenous people to be consulted about the mining had been violated. (Office of the Ombudsman of Human Rights, Executive Summary, Annual Report, 2006, p.67)

On February 13, 2007, 64 communities in the municipality of Concepción Tutuapa carried out a consultation regarding the Marlin mine.

100% of those who took part voted against the mine. (Concepción Tutuapa is another municipality of San Marcos, located near Sipacapa and San Miguel Ixtahuacán)

On April 30, 2008, an assembly of village representatives in SMI voted to have a consultation process in SMI. (Photos of which we saw at our June 2008 Executive board meeting) The photos we saw showed the names of representatives and their votes being recorded.

The consultation process which is planned in SMI must be free of threats, bribery and intimidation.

Concern for the safety of the communities

Mine Mill CAW Local 598, is concerned for the safety of communities affected by the Goldcorp owned Marlin Mine Project in municipalities of San Miguel Ixtahuacán and Sipacapa in San Marcos, Guatemala.

It has been reported...

On March 13, 2005 a Marlin mine security guard was killed, in front of multiple witnesses, as he left an evening church service. (Alvaro Benigno Sanchez, whose family had actively protested the mine) This murder was never prosecuted.

In January of 2005 Guatemalan Riot Police killed Raul Castro Bocel with gunfire during a protest which slowed the passage of mining equipment, on the highway in Solola. This extrajudicial killing has never been prosecuted.

In April or May of 2007, Byron Bamaca Perez and his nephew Marco Tulio Vasquez, who worked as cooks for a company subcontracted to dig the tunnel associated with the mine, disappeared when sent on an errand for the company. Marco Tulio Vasquez had participated in anti-mining protests before he started working for the mine. Despite inquiries, your subsidiary has provided the families with no information as to their whereabouts.

On June 15, 2007 the decapitated body of Pedro Miguel Cinto, an elderly man who lived in front of the mine entrance was found by a child pasturing sheep.

His head was found in a neighboring department. He and his family had been protesting against the mine. When justice authorities found the man's head they communicated the discovery through your subsidiary company to the family, an act which was perceived to be a threat and a warning.

On January 9, 2007, a group of villagers who live near the mine visited the mine office to request dialog on the harms to the communities neighboring the mine. Villagers reported amongst other grievances, large cracks in their concrete blocks homes they say are caused by explosions.

The delegation was not only escorted from the mine office by company security forces but also followed down the road and attacked a few kilometers away. The men defended themselves as best they could and escaped what appeared to be a kidnapping attempt. When the villagers heard of what happened, they responded in a protests that lasted 10 days.

The State took no action for the attack on the community representatives, but seven of the community representatives were arrested in their homes in pre-dawn hours on February 13. Though five of the seven were acquitted, all were subject to great hardship and personal expense.

The attack on the community representatives that incited the protest was never prosecuted.

Italian Chemist Flaviano Bianchini published a report in late 2006 documenting extremely high levels of contamination in the Tzala River. Following that report he was subject to a series of death threats.

In 2005 the company came to install high tension energy lines and the villagers affected repeatedly protested that they did not want the installations in their yards.

The Guatemalan government on January 9 and 10, 2008 sent riot police to force the entry of electrical workers in to the yards of villagers. When villagers objected to the intrusion, children, women and men were subject to violence by police.

Since April 30, 2008, community leaders opposed to the mine have reported more death threats against them. There are reports that mine managers are telling mine employees that disruptions in the flow of energy to the mine are the result of bad advice given by community leaders and that something should be done about them.

Campeños report wells and springs have dried up from a drop in the water table resulting from the enormous amounts of water the mine pumps. Your subsidiary is releasing water that has been used with cyanide and arsenic into the air and river systems.

People near the mine report suffering from strange skin conditions. In other areas affected by this type of gold mine, these conditions have been the first sign of contamination by heavy metals. These provoke nervous system disorders and other

grave illnesses. On July 10, 2008 twenty two mine neighbors visited the National Institute of Dermatology in Guatemala City for exams of skin conditions that began to appear this year, but they could not afford to purchase medicines to relieve the symptoms.

The legality of community consultations

The legality of community consultations on mining is founded in various initiatives for protection of human rights, indigenous rights, and the right to a clean environment: the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Declaration and Programme of Action of the Vienna World Conference on Human Rights, the World Charter for Nature, Agenda 21, the Rio Declaration on the Environment and Development.

Article 7 of ILO Covenant 169 concerning Indigenous and Tribal Peoples stipulates that:

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

Article 15 also stipulates that:

2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands.

The people concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

The Guatemala Municipal Code:

"Article 64: Consultation with communities. Communities have the right to ask the Municipal Council to carry out consultations when there are issues that affect the communities of the municipality as a whole. At least 10% of the communities of the municipality must sign the request for a consultation. The result will be binding if 20% of communities participate and the result of the vote is a clear majority." (Unofficial translation)

"Article 65: Consultations with communities and indigenous leaders in the municipality. When the nature of an issue particularly affects the rights and interests of indigenous communities or authorities in the municipality, if asked by the communities, the Municipal Council will carry out a consultation, and will apply traditional criteria of the indigenous communities." (unofficial translation)

The Guatemalan Law on Urban and Rural Development:

"Article 2. Principles. General principles for development councils are:... e) conservation and maintenance of the environment, human development, based on the traditional cosmology of the Maya, Xinca, Garifuna and indigenous communities". (unofficial translation)

As part of the Peace Accords signed in Guatemala in 1996, the Accord on Identity and Rights of Indigenous People stipulates that indigenous communities must be consulted before initiation of any exploitation of natural resources project that could affect the subsistence and way of life these communities.

We expect that Gold Corp will do the right thing and respect the outcome of consultation held in Sipakapa and respect the consultation process planned in SMI.

Yours sincerely,

Rick Grylls

President,

Sudbury Mine, Mill and Smelter Workers Local Union 598, CAW

cc Buzz Hargrove, CAW President, Hemi Mitic, Assistant,

Carol Phillips, Assistant, Annie Labaj, CAW International Director,

Tom Dattilo, CAW National Representative, Steve Watson, National Representative, CAW Education

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WHAT TO DO

RIGHTS ACTION

Based in Guatemala, Rights Action (with tax-deductible legal status in Canada and USA) funds and works with community-based Indigenous, development, environment and human rights organizations in Guatemala and Honduras, and also in El Salvador, Oaxaca and Chiapas; and educates about and is involved in activism related to global development, environmental and Indigenous and human rights struggles.

TO MAKE TAX-DEDUCTIBLE DONATIONS for indigenous and community-based organizations that are implementing their own community development (schools, health clinics, solidarity economic productive projects, etc), human rights and environment

projects, 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: http://www.rightsaction.org/Templates/donations_index.html

HUMAN RIGHTS DELEGATIONS TO MINING-AFFECTED COMMUNITIES: Consider forming your own group and coming on an educational seminar trip to learn more about community and Indigenous resistance to mining and other large-scale "development" projects.

2nd HEMISPHERIC GATHERING AGAINST MILITARIZATION – HONDURAS, OCTOBER 2-6: Form your own group and come to Honduras for this continental Gathering. !Para callar las armas, hablemos los pueblos! (To quiet weapons, the people must speak!). www.antimilitarizacion.blogspot.com; info@rightsaction.org. PLACE: La Esperanza, Intibucá, Honduras.

3rd SOCIAL FORUM OF THE AMERICAS – GUATEMALA, OCTOBER 7-12: Form your own group and come to Guatemala. Thousands of people from across the Americas are expected at this gathering to debate and discuss (and enjoy awesome music, art and theater) how Another World Is Possible ... And Necessary. For more info: info@rightsaction.org.

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CREATE YOUR OWN E-MAIL LIST: and re-distribute this and other information.

LISTEN: to www.democracynow.org news program every day.

READ: Eduardo Galeano's "Open Veins of Latin America"; Naomi Klein's "The Shock Doctrine"; Howard Zinn's "A People's History of the United States";

SMILE: And live to make another world is possible, everyday.

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