

Rights Action – September 8, 2012

GOLDCORP ON TRIAL

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BELOW: article by Beth Gaglia and Cyril Mychalejko, “GOLDCORP ON TRIAL: FIRST EVER PEOPLE’S HEALTH TRIBUNAL SHOWS COMMONALITIES THROUGHOUT MESOAMERICA”

Rights Action commentary:

MINING, GENOCIDE AND THE GENERALS

(From: <http://rabble.ca/news/2012/08/mining-repression-and-rhetoric-democracy-and-rule-law-guatemala>)

“In the late 90s and early 2000s, when most of the ill-gotten concessions were acquired by global mining companies, the FRG (Guatemalan Republican Front) was the dominant political party in Guatemala. Former general Efraín Ríos Montt was the president of the FRG and the most powerful politician in Guatemala. Ríos Montt is well known, internationally, to have been one of the main intellectual authors of Guatemala's worst years of repression and genocide. In fact, he is on trial for being an intellectual author of Guatemala's genocide in the Mayan Ixil region. During these years, other governments and the international business and investor community had no qualms, whatsoever, doing business with a regime led by Ríos Montt. Most Canadian companies operating in Guatemala today, including Goldcorp, actually got their mining concessions when the FRG party formed the government and when Ríos Montt was the president of Congress and by any measure the most powerful politician in the country.

“Similarly today, the government of Guatemala is led by former general Otto Pérez Molina, also known to be one of the intellectual authors of Guatemala's genocide and state repression. Today, no government, let alone the international business and investor community has expressed any concern about doing business with a government led by Pérez Molina. In a global order based on the rule of law, both Ríos Montt and Pérez Molina would be in jail, for life, on war crimes charges.

“Added to this dismal and undemocratic political reality, every national and international human rights group that reports on human rights violations in Guatemala concludes that impunity remains the norm in Guatemala. Over 99 per cent of all crimes never get resolved let alone even investigated. In this context, global mining companies predictably violate human rights and cause health and environmental harms in their operations, knowing full well they will not be held accountable in Guatemala.”

Whole article: <http://rabble.ca/news/2012/08/mining-repression-and-rhetoric-democracy-and-rule-law-guatemala>

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GOLDCORP ON TRIAL: FIRST EVER PEOPLE’S HEALTH TRIBUNAL SHOWS COMMONALITIES THROUGHOUT MESOAMERICA

<http://www.towardfreedom.com/home/americas/2963-goldcorp-on-trial-first-ever-peoples-health-tribunal-shows-commonalities-throughout-mesoamerica>

Wednesday, 05 September 2012, By Beth Gaglia and Cyril Mychalejko

“A few years ago, our people, the people you can see around you, we began to realize what was happening,” Maudilia López told the hundreds gathered to attend the first ever People’s Health Tribunal in San Miguel Ixtahuacán, Guatemala. The event was packed, even as some attendees spilled out of the entrance of the crowded room, others shuffled to find a spot.

The International Peoples’ Health Tribunal (IPHT) took place on the second floor of the parish hall of San Miguel Ixtahuacán, a municipality in Guatemala’s Western Highlands of roughly 60,000 people, a majority of whom are Maya-Mam. San Miguel Ixtahuacán is the main site of the Marlin mine, an open pit gold mine that is one of the most important projects of Canadian gold mining giant Goldcorp Inc.

The gathering, held on July 14-15, was the result of an organizing effort originating from communities affected by the Marlin mine. Also present were people affected by Goldcorp’s Los Filos mine in Mexico and its San Martín mine in Honduras, as well as representatives from throughout Central America (El Salvador, Costa Rica, and Panama), who provided a regional examination and critique of the resource extraction model and its effects on communities.

“For now, we will ask, before this community, that you will swear to arrive at a conclusion based on what you have heard people say,” López continued, turning her attention to the panel of judges in front of her.

Sitting in front of the audience were the Tribunal’s thirteen judges on a panel comprised of prominent human rights defenders and ecologists, health specialists, and scientists from five different countries. Among them was Robert Goodland, a Canadian Tropical Ecologist who worked for 23 years as an environmental consultant to the World Bank; Dr. A. Chicas, doctor, public health specialist, and Secretary of the Ethics Board for the Medical Profession in El Salvador; Jesús Lara Chivarra, indigenous authority of the Wixarika Nation (Mexico) and member of the Wirikuta Defense Front; Yolanda Chalí of the Association for Community Health Services of Guatemala; and Rachel Sieder from the Center for Advanced Studies in Social Anthropology, Mexico.

They travelled from both north and south to listen to dozens of ordinary people, technical experts, women, men, mine workers, indigenous leaders, and even children, tell how open pit mega-mining has impacted their lives.

While the tribunal carried on, women prepared large pots of caldo and heaps of tamalitos to feed the hundreds of attendees. Community radio stations from San Marcos, Huehuetenango, and Guatemala City transmitted the event live. An independent media room on the first floor prepared materials to be disseminated internationally as the first day of testimony officially began.

PEOPLE’S HEALTH TRIBUNAL: WHAT IS IT?

The IPHT was modeled off of a popular practice of public justice known as Permanent People’s Tribunals, which have been used throughout the Americas to denounce harms caused by multinational corporations that otherwise enjoy full impunity from national and international legal systems. The IPHT was unprecedented in that it marked the first attempt by a popular tribunal to tackle the issue of health systematically.

The tribunals are meant to give voice. They provide a space for people to speak out, have their grievances heard, and hear the grievances of others - a space for information to be

systematized and for experiences to be transmitted and shared with a broader public. Their results are not legally binding, but they aim to break the impunity of corporations, at least symbolically.

The premise of the IPHT, which was inspired in part by a study conducted by registered nurse and doctoral student Susana Cajax, was to look at the holistic health impacts of open-pit mining in the region. Despite the mining industry's long history of accumulation through dispossession in the Americas, little attention has been paid to determining the extent of impacts on human health. The communities and the organizers of the event were determined to approach health in a different way, focusing both on physical health as well as the psychosocial health of individuals and communities as a whole.

As for physical health impacts, clear commonalities emerged from the three Goldcorp mines used as case studies: respiratory diseases, skin diseases, increased instances of cancer, premature births, an increase in birth defects and miscarriages, and physical violence such as assassinations and government repression.

The psychological and social dynamics are more abstract. What people described as impacts on the social fabric of their communities, on their psychological state, and on their ability to exercise self-determination over their lives are often neglected.

These problems stem from the initial imposition of mining projects, a violation of the right to free, prior, and informed consent upheld by the UN Declaration on the Rights of Indigenous Peoples and the right to be properly consulted, as protected by the International Labor Organization's (ILO) Convention 169.

As Mexican representative Gustavo Lozano explained:

“This is also about psychosocial health. Communities live with great anxiety because they've lost control over their own lives. This directly impacts their dignity. In fact, we could say that this is one of the definitions of dignity. All of a sudden, you don't know what will happen with your life. The mining industry is like a trauma for communities. They bring us irreparable harms, harms that have no price, that last for hundreds of years. But they also bring repression... They bring us martial law, military bases, criminalization in the form of unjustified arrest warrants and drug trafficking charges, personal threats to our lives, and even rape.”

According to Cajax, the tribunal was designed to value the popular knowledge of communities, since scientific studies conducted by Western institutions are not sufficient to understand the complexities of health impacts or how people are experiencing them.

“You can't understand health without understanding reality,” said Cajax. She said her research also consisted of gathering qualitative evidence in order to understand peoples' experiences. She found that people were stressed about their health and well-being, which resulted in “a strong psychological suffering on a collective level.”

“There's a lot of alcoholism and a rise in HIV/AIDS, increased violence against women, domestic violence,” added Cajax. “And of course the physical harms also have a profound psychological effect.”

Dr. Juan Almendares, Honduran doctor and founder of the Honduran Science Academy, has been conducting community health analyses in the Siria Valley of Honduras, where Goldcorp's San Martin mine operated from 2000 to 2008 (initially as a Glamis Gold operation). During expert testimony at the tribunal, Almendares noted the importance of taking a more holistic approach to health by incorporating popular knowledge into analyses.

"If we want to analyze health, we need to talk about not just one system, but all the systems...We need to integrate science, spirituality, and the social conscience," he said. "Knowledge isn't just created in universities, but also among people...We need to listen to each other, to listen to each other's knowledge and wisdom."

DIRTY BUSINESS IN GUATEMALA

"They've always wanted to buy my land and they've always threatened me for not wanting to sell it. Once I had my grandson in my arms and they put a machete to my neck. It wasn't until my grandson cried, that is what saved my life," testified Diodora Hernandez, who has repeatedly refused to sell her land to Goldcorp.

Hernandez explained the threats to her life that have resulted from the mining company's presence in her community. In 2010, she was shot in the eye by two former mine employees, but survived the attack. "This is what they have done and continue to do," she continued, "and I have committed no other crime than not wanting to sell my land."

In addition to facing pressure, threats, and coercion from mining company employees to sell their land, communities surrounding Goldcorp's Marlin mine used the tribunal to denounce the health, environmental, and human rights violations that the mine has caused, which stand in stark contrast to the picture the company has painted to shareholders and the media.

Marlin is one of Goldcorp's most important and lowest-cost projects in Latin America, with an estimated total of 1,250,000 ounces of extractable gold. It was constructed in 2005 by subsidiary Montana Exploradora, with the help of a \$45 million dollar World Bank loan and without the free, prior, and informed consent of the affected Maya-Mam communities.

"The No. 1 and most important factor is that we are operating the mine to international standards from the very beginning," said GoldCorp CEO Chuck Jeannes in May 2011 in response to allegations of human rights violations and environmental damage.

Jeannes earned \$11.4 million in total compensation that year, making him one of Canada's top ten highest paid corporate executives.

This was only a year after the Inter American Commission on Human Rights issued precautionary measures for 18 of the communities around the mine, calling on the Guatemalan government to suspend Marlin's operations immediately to safeguard the health and safety of the population. However, Guatemala did not comply, and the Marlin mine continues to operate without community consent.

Many in San Miguel Ixtahuacán and Sipacapa, the two municipalities touched by the Marlin concession, attribute the severity of community divisions and social conflict they are now experiencing to this initial lack of consultation. In fact, to formalize their position in response to the Guatemalan government's failure to uphold its international legal responsibilities, on June 18, 2005, communities in Sipacapa had held a referendum on the mine. The result was an overwhelming rejection of the mine: 2,486 people voted against the mine, 35 in favor, and 32 abstained. The vote was deemed non-binding by Guatemala's highest court after Goldcorp placed a legal challenge against the referendum.

In the years following Goldcorp acquired Glamis Gold (which initially brought the mine into production), numerous media reports, studies, and testimonies have come out offering evidence that the mining project has in fact been causing harm to the integral health of the communities.

An analysis of Goldcorp's Environmental and Social Impact Assessment conducted by Etech International found "mine wastes have a moderate to high potential to generate acid and leach contaminants." It also found "existing data suggest that tailings seepage may be migrating to the drainage downstream of the tailings dam" and "that water treatment will not address leakage of contaminants into groundwater."

Inaccurate environmental impact assessments appear to be an industry-wide problem. In December 2006 EARTHWORKS, an extractive industry watchdog, conducted a study of 25 mines in the United States, where regulations and oversight far exceed those of its Central American neighbors. Earthworks found "76 percent of studied mines exceeded water quality standards, polluting rivers, and groundwater with toxic contaminants, such as lead, mercury, arsenic and cyanide."

In 2010 Physicians for Human Rights released an independent study of the Marlin mine and determined "some residents living near the mine have relatively high levels of lead in their blood and arsenic in their urine."

Political persecution and criminalization were also denounced as contributing factors to the psychological and social trauma within affected communities. Throughout the life of the Marlin mine thus far, at least 15 arrest warrants have been issued against community members who are opposed to the mine. They have been subject to various allegations, including sabotage, harboring intentions to commit a crime, and sedition. Eight of the persecuted community members were women, some of whom had to flee their community to avoid being detained.

But Gregoria Crisanta Perez, who had two separate arrest warrants issued against her in 2008, testified, "We live from the earth. We eat beans and corn. I'd give my life to defend everything that sustains us."

TOXIC LEGACY IN HONDURAS

"We must defend life with life itself! We come from the Siria Valley to give our testimony on how we have been gravely damaged by Goldcorp's San Martin mine," declared Carlos Amador, from the Siria Valley Environmental Committee in Honduras, during the Tribunal.

Amador spoke about how communities in the Siria Valley have been affected by and struggling against the environmental destruction and subsequent health problems associated with Goldcorp's mining activities.

"Why do the transnational mining companies who come from Canada only care about money, money, money, and don't care about us people," added Amador. "We are suffering from 10 years of destructive mining. They are killing us slowly. [And] the Honduran government is helping them."

Since 2004, independent studies have concluded that Goldcorp's San Martin mine in the Siria Valley, department of Francisco Morazán, Honduras, has been a source of contamination of both the environment and of the bodies of local residents. These studies have shown dangerous levels of toxic chemicals, such as cyanide and arsenic, heavy metals such as lead, and the occurrence of acid mine drainage.

In a May 2006 article for London's The Independent, journalist Andrew Buncombe noted that Goldcorp's San Martin mine "highlights how - with the world's most accessible gold reserves having already been taken - mining companies are now using highly destructive and toxic methods in the developing world to feed our enduring demand for this precious metal."

Buncombe also pointed out that the methods of mining that Goldcorp uses, which can “produce up to 30 tons of toxic waste for each ounce of gold produced,” have been dismissed as a source of health problems by the company. He quoted one company official as linking health problems to local Hondurans’ “bad diet.”

In another public hearing in Guadalajara, Mexico in 2007, the Latin American Water Tribunal, an autonomous, independent and international organization of environmental justice, ruled that Goldcorp’s subsidiary in Honduras, Entre Mares, was “guilty and must take responsibility for inappropriate use and contamination of water sources in the [Siria Valley] region and for causing harm and risk to the ecosystem and to human health.”

There have also been reports of dead cattle showing up near the mine, skin diseases, miscarriages, birth defects, while lead and arsenic were found in the blood of local Hondurans living downstream from the mine which exceeded internationally permissible levels. Furthermore, in 2010 the government filed criminal charges against the company for water contamination “based on evidence from aid agency CAFOD” in 2009.

"Despite Goldcorp's continual denial, this new information provides irrefutable evidence that the San Martin mine has caused pollution in Honduras. This is the latest in a long list of problems at the mine," said CAFOD's Extractives Policy Analyst Sonya Maldar in 2009. “Goldcorp must clean up its act so that the people of Siria Valley are not left with a toxic legacy when the company leaves Honduras at the end of the year.”

In 2008 the company started the so-called reclamation process at the site. In the company’s closure plan, missing was any program to effectively address people’s health problems from surrounding communities affected by the mine.

THE JUDGES READ THEIR VERDICT AT THE CLOSING OF THE TRIBUNAL

But the experiences of community members speak for themselves. Olanda Occosta testified at the tribunal about how she has lead and arsenic in her blood and is losing her hair.

Rodolfo Arteaga, a former Goldcorp worker, testified at the Tribunal that he was diagnosed with “serious bronchitis and a lung infection” leaving him unable to work and that he suffered psychologically from the destruction of his community, Old Palo Ramo, where he had lived for 37 years before being forced to resettle. “My community was founded in 1880,” he explained. “All it took was for a company to come in in March 2000 to destroy it in just a few days.”

Finally, Angel Torres, another former mine worker of 8 years who burned cyanide containers for the company, developed chronic leukemia and became unable to work. He testified at the tribunal that 36 of his fellow mine workers were suffering from severe illnesses and that some had become sterile, adding that women who had worked inside the mine serving food had developed uterine cancer. “We need all of the organs in our bodies,” he declared. “The mining company has done absolutely nothing for us.”

A FUTURE FORETOLD IN MEXICO

Los Filos, the largest Gold Mine in Mexico located in the state of Guerrero, went into operation in 2007. Mexico joined the world’s top ten gold producers last year in the middle of a mining boom despite a floundering economy and a “drug war” that has left upwards of 39,000 people murdered and thousands more disappeared.

As the Wall Street Journal pointed out in a July 18 article, at Los Filos, “More than 70,000 metric tons of earth daily are removed with explosives and bulldozers, then trucked to a nearby site where cyanide pools are used to extract the mineral.”

Writer and photographer David Bacon, in a July 25 article in Truthout, noted that “the amount of land given in concessions reached 25 million hectares at the end of [former Mexican President Vicente] Fox's presidency in 2006 and then more than doubled, to 51 million, in just the first four years of his successor Felipe Calderon.”

“In Mexico, in the last 12 years with a more conservative administration, we’ve seen the authorization of 26,000 mining concessions throughout the country,” stated Miguel Angel Mijangos, from the Mexican Network of Mining Affected-Communities (REMA) at the Tribunal. “It’s practically one third of all of Mexico. That’s the size of the expansion we’re seeing in Mexico, and it’s similar to what’s happening in Central America and other parts of the Third World.”

In January 2007 the mine was met with protests and encampments to block its construction. According to an article in Peace Brigades International’s (PBI) 2011 Mexico Project Newsletter, the company failed to properly consult and inform the community about the scope and potential consequences of its project from the outset.

Mijangos, from Guerrero, Mexico, testified that as of June 2012, six years since the mine started operations, it is estimated that 100 percent of households in Carrizalillo have at least one family member suffering a mining-related illness.

“I came here for my children, more than anything,” said Petra Maturana, a mother of two, affected by Los Filos mine, “because they’re more affected than me, and because they’re the ones who will be here in the future.” Maturana testified at the Tribunal that her first child was born with a deformation of the cranium. She also said that she suffered from a rash and blisters on her body.

“The truth is that almost all the money that a miner makes goes to pay for their child’s health problems. They’re not benefitted that much in the end,” said Maturana. “On the one hand, it’s good that they’re earning well, but on the other hand, they’re spending money on their illness, and it’s the children who are getting the most sick.”

Mijangos also pointed out the way in which Goldcorp takes advantage of local conditions to reach lowest-common-denominator contracts with communities that maximize its profits.

“Goldcorp, in Carrizalillo, to extract one ounce of gold, invests \$430. That’s what it costs, and they sell it at \$1,600. Here in Guatemala, they invest \$19. Between \$430 and \$19, there is an abysmal difference,” said Mijangos. “There they give you more, and here they give you absolutely nothing. But even what they give us there is not enough for us to heal, and that’s clear.”

Maturana added at the Tribunal, “The truth is that I’m scared to stay. Because if the mine is young and even so it affects us, imagine what it will be like with more time...I would like to leave, but I have nowhere else to go.”

TOWARDS A REGIONAL MOVEMENT: M4 AGAINST THE MINING DEVELOPMENT MODEL
On July 15th the Tribunal’s judges demanded that Goldcorp pay reparations to the victims of its mining activities, compensate communities for past, present, and ongoing damages to health and the environment, and suspend all operations in Mesoamerica.

They concluded with the following verdict:

“...We find Goldcorp guilty for its activities in Honduras, Guatemala and Mexico, which we find to be seriously damaging to the health and the quality of life, the quality of environment, and the right to self determination of the affected Indigenous and campesino communities.”

The day following the Tribunal, representatives from Mexico, Costa Rica, Panamá, El Salvador and Guatemala gathered to announce the inception of the M4 movement. M4 refers to the Mesoamerica Movement Against the Mining and Extraction Model. It is a project of regional coordination for the advancement of territorial and national defense against mining and other imposed development models.

Grace Garcia, a representative from Costa Rica, shared the success of a country-wide campaign to pass a national ban on open-pit mining. José Acosta shared the difficulties faced by the Salvadoran movement after Canadian company Pacific Rim sued the government of El Salvador through a closed-door arbitration process included in the Central American Free Trade Agreement's (CAFTA) investor rights provisions. The suit was filed when the state denied the company's extraction license due to local and national opposition to mining.

Olmedo Carrasquilla of Panamá spoke of alternative development models being implemented by communities. All confirmed their belief that mining is "the single most contaminating and human-rights violating activity in Mesoamerica" and reaffirmed the need to end it. As Gustavo Lozano, representative from the Mexican Anti-mining Network (REMA) stated:

"Our analysis is that mining companies have transnational strategies and we have to coordinate transnational struggles to confront transnational mining. The M4 has organized itself precisely to generate understanding of each of our struggles and therefore be able to unite. It is a young movement. We have started by carrying out actions in Canada at the shareholder meetings of the mining companies. We are going to bring the tribunal's sentence to our governments and to international institutions because we cannot allow these companies to act as the new colonizers of our lands."

Nely Rivera de Silva, who works with the Center for Research on Investment and Trade in El Salvador, and who served as an expert witness in the Tribunal, said that the Tribunal served as a vehicle for education, organizing, and liberation. "We are here because we want to build movements that will help us stop the construction of mining projects, not only in El Salvador, but everywhere," said Rivera de Silva.

She also added that international solidarity from the North is also necessary. "People from Canada and the U.S. have to put pressure on their countries to stop the colonial domination of our communities," said Rivera de Silva.

[Beth Gaglia is an activist and independent documentarian from Washington DC. She lived in Guatemala from 2007-2009 working on human rights and environmental justice issues. She has worked on campaigns around mining in Guatemala with the Network in Solidarity with the People of Guatemala and the Center for International Environmental Law. Cyril Mychalejko is an editor at www.UpsideDownWorld.org, an online magazine covering activism and politics in Latin America. James Rodríguez is an independent documentary photographer and photojournalist. His website, www.MiMundo.org, provides an independent media alternative and editorial photography agency focusing particularly on social justice issues involving land tenure, human rights abuses, post-war processes, and negative effects of globalization.]

Forthcoming Film: EXTRACTION

Watch trailers at: <http://www.gprojectfilm.org/video>

“Extraction” is about gold mining and global impunity in Guatemala. In the film, Noam Chomsky asks: Is it proper "to benefit from over half a century of repression, violence, destruction, and elimination of democracy"? Goldcorp Inc. continues to mine relentlessly in San Miguel Ixtahuacan, despite 8 years of documented health and environmental harms and other human rights violations. Investors across North America - from public pension funds to private equity capital - profit from their investments, with no concern for how the profits are made.

QUESTIONS / COMMENTS:

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