

Rights Action
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Guatemalan Court Rules In Favor Of Mayan Sipakapan People, Against Goldcorp's Continued Illegal Landgrab

Your funds at work, ... helping achieve important victories in favour of community well-being, environmental protection, human and indigenous rights. Rights Action is a grateful supporter of the Mayan Council of Sipacapa that is at the forefront of efforts to curtail the illegal expansion of Goldcorp's cyanide leaching, open-pit and tunneling mining operation in western Guatemala.

Will Goldcorp – backed by the governments of Guatemala, Canada and the U.S.A., supported by pension and private investment funds across North America – respect this legal decision? The struggle is to be continued!

What to do, More information, How to support: See below.

Guatemalan Court Rules In Favor Of Mayan Sipakapan People Against Goldcorp's Continued Illegal Landgrab

By Christin Sandberg, 24 Julio 2014

<http://www.cpo.org.gt/index.php/articulos/168-guatemalan-court-rules-in-favor-of-indigenous-people>



A Guatemalan court ruled in favor of the indigenous people of the municipality of Sipacapa. The court says the Guatemalan government must respect the right to information and consultation with the local population before granting any kind of mining permits, according to international conventions.

As a consequence the mining permit [claimed by Goldcorp Inc.] named “Los Chocoyos” is illegal, and should be withdrawn. This judgment states the obligation of the Guatemalan government to respect the indigenous people’s right to information and consultation before granting mining permits in indigenous territories, in accordance with both United Nations Declaration on the Rights of Indigenous People and International Labour Organization Convention 169. Otherwise they are illegal, said Esperanza Pérez, from the Mayan Council of Sipacapa during a press conference held July 23.

In April 2012, the General Director of the Ministry of Energy and Mines (MEM) granted the local company Entre Mares de Guatemala S.A., a subsidiary of transnational mining company Goldcorp Inc., a prospecting permit “Chocoyos” in Sipacapan territory. The permit was given without prior information and consultation with the local people.

Since then, Goldcorp/Entre Mares has had the permission to study, analyze and evaluate any metals such as, gold, silver, nickel, cobalt, lead and zinc within the region.

On March 24, 2014, the Mayan Council of Sipacapa claimed their collective rights and demanded the cancelation of the mining permit “Chocoyos” in a public hearing in an appellate court in Guatemala City.

On Friday, July 18, 2014 they were notified of the judgment. Maximiliano Ambrosio from the Mayan Council of Sipacapa commented it at the press conference, July 23: “We filed the petition considering the devastating consequences mining activities bring both on community level and to our environment and daily lives. And now, we have received a judgment in favor of the people of Sipacapa which means our territory belongs to us.”

The judgment also claims another important point for the local people, which is the court’s recognition of the Mayan Council of Sipacapa representing the people of Sipacapa as a legal part in the case, explained Deny de Leon, legal attorney at Copae, an organization who has accompanied the petition.

“It is a historical and an important political moment when the state of Guatemala through this judgment recognizes the proper organization of the indigenous communities, a collective right, and in this case represented by the Mayan Council of Sipacapa, said Deny de Leon at the press conference.”

Located in the northwestern highlands, 300 kilometers from Guatemala City, Sipacapa counts with 18 000 inhabitants and a property title guaranteeing the collective ownership of their territory. However, “Chocoyos” is not the only mining project in this area.

Already in 1998, the Marlin Mine, which is the biggest gold mine in Guatemalan territory, was discovered by Montana Exploradora de Guatemala S.A., a subsidiary to the same Goldcorp Inc. In November 2003 the permit for exploitation was granted and shortly afterwards, production process was started, according to information on the company’s website.

The Marlin Mine project is located in a vast territory in the two municipalities of San Miguel Ixtahuacán, populated by Maya Mam people, and Sipacapa. Both mining projects extend approximately 20 square kilometers. The Marlin Mine brings in high revenues to their shareholders, being Goldcorp’s most cost efficient mine worldwide.

In 2005, as the Marlin Mine was preparing to open, the Sipacapan community organized one of the country's first referendums on whether to allow mining in their communities and collective territory. The answer was a resounding no from 99 per cent of the population. Yet their decision was ignored. In a context of impunity, no international conventions protected the people from continuing state violations of their rights as indigenous communities.



Ever since, a peaceful resistance towards the mining activities, based in the local catholic church, has been constant, but perhaps less visible as time has passed. Due to threats and oppressive acts against individuals who denounce violations of human rights related to the situation around the mining project, sometimes involving workers and security personal from the mining company, people are scared of expressing their views. The mining company has also worked non-stop on promoting their local community projects aimed at contributing to social development.

The expectations on the recent judgment are great. In practical terms the legal implications of this judgment include that all preparatory mining activities in the area must stop, said Deny de Leon during the press conference. "The next step for the people of Sipacapa is to bring the results from the 2005 referendum, according to ILO Convention 169, to the General Director of the Ministry of Energy and Mines, for him to take into consideration. Thereafter the permit shall be suspended and the territory returned to its proper collective land holder, the local Mayan Sipacapense people."

Eliu Orozco from the Mayan People's Council (CPO) commented: "This judgment is an important success in the process of legal actions taken by local communities articulated through the Mayan People's

Council. Taking legal actions is a strategy to ensure that international conventions, both United Nations Declaration on the Rights of Indigenous People and International Labour Organization Convention 169 are respected in Guatemala.”

Goldcorp’s mining company - Entre Mares de Guatemala S.A. - was not available for comment.

Rights Action

Since 2004, Rights Action has supported the community, environmental and human rights defense work of the Goldcorp Inc. mining harmed Mayan communities of western Guatemala.

More information on community and environmental defense struggles in Guatemala and Honduras seeking a stop to mining caused harms and violations: info@rightsaction.org www.rightsaction.org, www.facebook.com/rightsaction.org

Gold Fever

By Northland Films (2013)

Trailer/ Screenings/ Info: <http://www.goldfevermovie.com/>

Award winning film “Gold Fever” 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"? The Canadian mining giant Goldcorp Inc. continues to mine relentlessly in San Miguel Ixtahuacan, despite 10 years of documented health and environmental harms and other human rights violations.

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