

“Fenix” mining operation in Guatemala is ILLEGAL Solway Investment Group & CGN, governments of Guatemala and Switzerland, responsible for repression that may occur

By Rights Action, October 20, 2021

<https://mailchi.mp/rightsaction/fenix-mining-operation-in-guatemala-is-illegal>



El Estor, October 19, 2021

Source: Ancestral Council of Q'eqchi' People

As we get set for the October 25 book launch of “*TESTIMONIO: Canadian Mining in the Aftermath of Genocides in Guatemala*”, that documents four community struggles against harms and violence caused by Canadian mining companies over the past decades in Guatemala, the same types of harms and violence continue today.

Between the Lines invites you to join launch of *TESTIMONIO*

<https://mailchi.mp/rightsaction/testimonio-virtual-book-launch-oct-25>

The Solway Investment Group (from Switzerland) and Compania Guatemalteca de Niquel (CGN), together with the governments of Guatemala and Switzerland, are to be held responsible for any acts of repression and violence committed by police, soldiers and civilians involved with them, against Maya Q'eqchi' villagers in El Estor.

Solway and CGN, supported by the Swiss and Guatemalan governments, are acting with impunity and corruption. The "Fenix" mining operation is illegal. (See timeline, below, prepared by the Ancestral Council of Q'eqchi' People)

The mining operation IS ILLEGAL, not to mention all the destruction to the environment, rivers, lake, hills and forests, not to mention the human rights violations, not to mention the criminalization of human rights defenders.

The Q'eqchi' people of El Estor are justified to peacefully protest in defense of the rule of law in Guatemala, to defend their human rights, the environment, their lands and communities.

They are justified in peacefully blocking the illegal movement of the Solway/CGN "gondola" trucks that are illegally carrying mining resources to the Port of Santo Tomas.

The order of the Constitutional Court of Guatemala must be complied with, and the mining operation must be completely suspended.

That is the only thing that needs to be done immediately.

Grahame Russell, Rights Action
October 20, 2021
grahame@rightsaction.org

Chronology / Context: What is happening in El Estor

(Information from: Ancestral Council of the Q'eqchi' People)

July 18, 2019: The Constitutional Court granted the injunction to the Gremial de Pescadores, provisionally suspending operations of the "Fénix" mining project owned by Solway Investment Group / CGN (formerly own, going back to the 1960s, by INCO, Hudbay Minerals and SKye Resources of Canada), according to declarations of the lawyer Rafael Maldonado. As soon as both

parties were notified (two years ago!), Solway/CGN should have suspended operations.

June 18, 2020: The Constitutional Court definitively suspends the Fénix mining project.

December 2020: The Gremial de Pescadores met with Q'eqchi' human rights and environmental defenders and community members and authorities to form the Ancestral Council of the Q'eqchi' People.

January 30, 2021: A second general assembly was held to form the four Ancestral Authorities of the Council, which are Kawa Siyab' San Baals, Oxlaju Aj, and Q'ana Tomás. Each Council is made up of 14 members.

February 19, 2021: They approached the El Estor municipal government to be legally recognized as the Ancestral Council of the Q'eqchi' People.

8 June 2021: The Ministry of Energy and Mines (MEM) announces the Fénix mining right sentence to indigenous leaders of El Estor, Izabal to the "Council of Maya Q'eqchi' Indigenous Communities". Members of this "Council" submitted an amicus curiae brief in favor of the Fénix mining project.

July 1, 2021: The municipality responds to the request of the authorities of the Ancestral Council of the Q'eqchi' People. It denies them the right to legal recognition, in some documents through a legal opinion of the municipality's advisor Jorge Ricardo Rivas Sarceño, lawyer and notary.

June 30, 2021: The Ancestral Council of the Q'eqchi' People sent a message to the Guatemalan government asking that it respect the decision of the Q'eqchi' people and their legitimate authorities named in general assembly to represent them in general, and in the pre-consultation and consultation processes.

August 6, 2021: The Ancestral Council of the Q'eqchi' People met with the Vice-Minister of Sustainable Development of the Ministry of Energy and Mines (MEM), Oscar Rafael Perez. The meeting was held in El Estor, Izabal.

August 25, 2021: The Ancestral Council of the Q'eqchi' People and the Gremial met with deputies from the Semilla political party, with the Congressional Commission of Indigenous Peoples, and with Petrona Mejía Chuta of the UNE party. The meeting was held in Guatemala City, requesting their support so that the MEM would legally recognize them and include them in the consultation process.

September 28, 2021: The MEM carried out a "pre-consultation" meeting in Puerto Barrios, Izabal, excluding the Ancestral Council of the Q'eqchi' People.

1 October 2021: The Ancestral Council of the Q'eqchi' People filed a new amparo before the Supreme Court of Justice, against the MEM and Minister Alberto Pimentel, again for the improper exclusion of the Ancestral Council of the Q'eqchi' People.

1 October 2021: A criminal complaint is also filed against Minister Alberto Pimentel, Vice Minister Oscar Pérez, the so-called "indigenous and ancestral Q'eqchi authorities" (who are being invited to the pre-consultation meetings), for acts of discrimination and abuse of authority, for excluding key stakeholders in the pre-consultation and mining consultation of the Fénix project in Izabal and Alta Verapaz.

October 3, 2021: The authorities of the Ancestral Council of the Q'eqchi' People hold an assembly and announce peaceful demonstrations at various points in the municipality of El Estor, to begin Monday, October 4.

They demand the suspension of the pre-consultation and consultation processes until the operations of the Fénix mining company are completely suspended, as ordered by the Constitutional Court.

4 October 2021: The authorities of the Ancestral Council begin peaceful resistance on the edge of the municipality of El Estor, on the road to Río Dulce. They permit free movement and passage of all people and vehicles, except cargo trucks belonging to, contracted by Solway / CGN-Pronico.

5 October 2021: Agents of the National Civil Police (PNC) approach to ask the authorities of the Ancestral Council of the Q'eqchi' People why they do not allow the company trucks to pass.

Q'eqchi' villagers explain the abuses of authority and illegal operations of Solway/CGN-PRONICO, of certain COCODES and the so-called "Ancestral authorities".

5 October 2021: Two groups of other people were organized to block the two main roads into and out of the El Estor municipality (from the east and west). These two groups are openly expressing support for the mining operation of Solway/CGN-Pronico. They are illegally charging Q50 to Q100 per truck and car that travels on the road.

9 October 2021: Once again agents of the National Civil Police (PNC) came to talk to the authorities and ask if the Solway / CGN-Pronico trucks can pass by.

12 October 2021: Three PNC radio patrols arrived at the peaceful resistance in El Estor. They carried a note from the Governor of Izabal, Hector Alarcon. According to the note, the Governor was to have a meeting in Morales with the mining company and other actors regarding the problem of the Fénix mining project.

October 12, 2021: Mining workers held a peaceful march in El Estor in favor of mining, demanding that the government act against the peaceful resistance.

October 13, 2021: The authorities of the Ancestral Council of the Q'eqchi' People received a visit from the authorities of the Xinca Parliament in the peaceful resistance camp (that has been resisting 9 years of harms and violence, corruption and impunity linked to the mining operation of Tahoe Resources/Pan American Silver).

15 October 2021: Agents of the National Civil Police (PNC) approached again to ask them to let the Solway / CGN-Pronico trucks pass.

19 October 2021:

"El Estor: PNC and Maya Níquel and CGN workers surround peaceful Q'eqchi' protest." <https://www.prensacomunitaria.org/2021/10/el-estor-pnc-y-trabajadores-de-maya-niquel-y-cgn-rodean-protesta-pacifica-qeqchi/>

More information

@PrensaComunitar

<https://www.prensacomunitaria.org/>

Solway Investment Group

Baarerstrasse 8, 6300 Zug Switzerland.

+41417400400

bd@solwaygroup.com / media@solway.ch

www.solwaygroup.com

Embassy of Switzerland - Guatemala

+502 2367 5520

guatemalacity@eda.admin.ch / sanjose@eda.admin.ch

Embassy of Switzerland - Canada

+1 613 235 1837

ottawa@eda.admin.ch

Embassy of Switzerland - US

+1 202 745 7900

washington@eda.admin.ch / washington.media@eda.admin.ch

washington.chancery@eda.admin.ch / washington.visa@eda.admin.ch

European Union Human Rights in Guatemala

jennifer.echeverria@eeas.europa.eu

No consultation process without mining suspension first!

Legal actions underway to suspend Solway Investment Group's illegal mining operation in Guatemala

By Gremial de Pescadores Artesanales de El Estor, June 2021

<https://mailchi.mp/rightsaction/no-consultation-process-without-suspension-of-solway-group-mine>

Archives - Hudbay Minerals (INCO, Skye Resources, Solway Investment Group)

<https://rightsaction.org/hudbay-minerals-archives>

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