

GUATEMALA

Goldcorp ordered to stop open pit mining in San Marcos

IRTF's RRN has faxed several letters to Guatemalan officials since 2005 to protest abuses at the open pit mine in San Marcos Department. Soon after Glamis Gold (now Goldcorp) began exploration in 1999 through its subsidiary Montana Exploradora de Guatemala, **local indigenous residents raised concerns about the harmful environmental impacts, including the controversial use of cyanide to extract the gold.** The project, called Marlin mine, is funded in part by the World Bank. The Marlin mine produces 250,000 ounces of gold and 3.5 million ounces of silver a year.

The Marlin mine has directly and indirectly caused deforestation, community division and social breakdown, repression, water depletion, water and air contamination, health problems (respiratory problems, skin disease, hair loss, eye problems, etc), destruction of homes, and more. The deeper roots of the conflict and protest over this mining operation is the Guatemalan government's violation of the International Labor Organization's Convention 169 on Indigenous and Tribal Peoples (ILO 169), i.e. failing to undertake an adequate process of consultation with the indigenous communities affected by the mine.

Community leaders, mostly of the local Mayan Mam indigenous population, who organize opposition to the open pit mine have been harassed, threatened, and killed.

Positive developments

In June 2008, environmental groups and the local indigenous communities claimed victory when **Guatemala's Constitutional Court ruled that mining activities may have a serious impact on natural resources** and therefore the environmental impact of a mine must always be taken into account when granting concessions to mining companies.

In September 2008, the **Latin American Water Tribunal found Goldcorp Inc. "guilty of causing harm to the environment** and to the people of San Miguel Ixtahuacán and Sipacapa, San Marcos". The Tribunal concluded that it is highly possible that the slag heap in the mine is discharging acidic water. The Tribunal recommended that the company provide financial compensation to the communities of San Miguel Ixtahuacán and Sipacapa. **The Tribunal also held Guatemalan government responsible for failing to deal with damages caused by these high-risk mining operations.** It also criticized the government for not applying ILO 169 and for not acknowledging the popular referendums conducted by the petitioning communities. The Tribunal recommended that Congress introduce reforms to the Mining Law, in the interest of protecting national sovereignty and defending the rights and the legacy of Guatemalans.

(In 2007, the Tribunal had found also Goldcorp Inc. guilty for harms and damages caused in the Siria Valley of Honduras.)

Good news: Guatemala ordered to suspend mining at Marlin gold mine May 2010

On May 21 the Inter-American Commission on Human Rights, a Washington, DC-based agency of the Organization of American States (OAS), **ordered the Guatemalan government to suspend operations at the Marlin gold mine within 20 days** and to take measures to protect the local environment.

The IACHR order came three days after the release on May 18 of **a study by the University of Michigan revealing that tests conducted in August 2009 had found higher levels of mercury, copper, arsenic, zinc and lead in the blood and urine of area residents who lived near the Marlin mine.** The study's authors said the metals could have been acquired from water contaminated by the mine.

According to Rigoberto García, director of the Multicultural Center for Democracy, the Guatemalan government is required to comply with the order. If it doesn't, García said, the Costa Rica-based Inter-American Court of Human Rights of the OAS will proceed to act on a complaint that led to the order; García and leaders of the indigenous communities filed the legal action in June 2009.

Read more at <http://weeklynewsupdate.blogspot.com/2010/06/wnu-1035-guatemalan-gold-mine-to-be.html>