

## **“We Have to Protect the Investors”: ‘Development’ & Canadian Mining Companies in Guatemala**

*Underdevelopment is not a step towards development, but the historic consequence from foreign development. (Galeano, 1985, p. 303)*

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### **Abstract**

Neoliberal development schemes of mining, oil extraction, and hydroelectric projects, are embraced by post-conflict Guatemala as the way forward on the path to democratization. At the same time, the Canadian government's pro-business, pro-mining stance, through its Embassy's activities, is shaping the very nature of the “development model” for this Central American country. Neoliberal development models are often associated with human rights abuses and an unwillingness to incorporate local knowledge or allow for locally-driven, smaller-scale development. In this paper, based on fieldwork in the summer months of 2004, 2006, and 2008, we argue that large-scale resource development by Canadian mining companies and their Guatemalan subsidiaries on Maya traditional territories, lands to which they have limited rights, is negatively affecting local indigenous peoples' lives and realities. Through a rights-based approach to our analysis of ‘development’ we highlight the silenced voices of Maya community members in opposition to what they identify as unsound development practices and President Óscar Berger's need to “protect the investors” rather than the lives of his country's own citizens.

Keywords: Canada; development; natural resources; Guatemala; indigenous; neoliberalism; mining

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### **1.0 Introduction**

The International Nickel Company of Canada, Ltd. (INCO) has a long and dark history in the ‘development’ of El Estor, Guatemala. Since its arrival in the 1960s, INCO and local subsidiary EXMIBAL are alleged to have infringed upon the rights of the local indigenous Maya-Q'eqchi' peoples. While the construction and running of the mining operation provided employment and certain social services to the people of El Estor, the majority of local residents did not benefit. The United Nations-sponsored *Commission for Historical Clarification* (CEH, 1999) reported that during the height of the Guatemalan internal armed conflict in the late 1970s and early 1980s—the period of active EXMIBAL mining—the military and INCO/EXMIBAL-associated people committed numerous human rights abuses in the El Estor region. The Guatemalan Human Rights Ombudsman's Office (PDH, 2005, p. 7) followed on these specific allegations to detail the “great challenges

and confrontations among various sectors of Guatemalan society” related to contemporary mining activity. Currently, mining is once again a key issue in El Estor and throughout Guatemala where Canadian companies, in particular, are acquiring mining concessions, much to the dismay of local peoples. Based on our Guatemalan fieldwork during research trips in 2004, 2006, and 2008, this article highlights the role of Canadian companies in socially and environmentally destructive mining projects in Guatemala and the resulting community resistance.

In May 2004, we traveled to Guatemala to explore issues of development, power, resistance, and human rights. Our forays repeated in 2006 and 2008 with a growing emphasis on the “development model” of natural resource extraction pursued by Guatemala and increasingly facilitated by the Canadian government through the Canadian Embassy based in Guatemala City (Lambert, 2004a; Lambert, 2004b; Nolin, 2004; Nolin, 2006).<sup>1</sup> Our approach is informed by critical development studies (Crush, 1995; Escobar, 1995; Slater, 1995) and development geography (Lawson, 2007; Power, 2003; Watts, 2004, 2005) which expand the range of development actors under consideration to include the direct and indirect responsibilities of ‘global actors’ (governments, global companies, investors and banks, development institutions such as the World Bank (WB), the Inter-American Development Bank (IDB), the International Monetary Fund (IMF), and so forth) for violations of human rights and indigenous rights. We situate our analysis within increasingly pointed critiques of the negative impact of global companies in the areas of mining, food production for export, *maquiladoras*, and tourism, for example, on indigenous and human rights (Hipwell, Mamen, Weitzner, & Whiteman, 2002; Imai, Mehranvar, & Sander, 2007; UN, 2008).

In this article, we highlight the struggles of local indigenous Maya-Q’eqchi’ communities in the face of impunity surrounding past violations and concerns first expressed to us in 2004 related to the International Nickel Company, Ltd. (INCO) of Canada and its Guatemalan subsidiary, EXMIBAL, and continued fear for their future now that Skye Resources, Inc. (Skye) of Vancouver, British Columbia (and its Guatemalan subsidiary—*Compañía Guatemalteca de Niquel, S.A./Guatemalan Nickel Company, Ltd. (CGN)* purchased INCO in 2005. The history of Canadian mining projects in the region is a window to understanding the current activities of Skye in the area and, as journalist Dawn Paley (2008, 5) suggests, “it puts today’s race for minerals, led by Canadian mining companies, into context.”

As Gordon and Webber (2008), Imai et al. (2007), and Holden and Jacobson (2008) document, Canadian mining companies are increasingly investing in Latin America, Guatemala in particular, and resistance to such operations is growing amongst local indigenous Maya communities. To put this situation in context, over “one tenth of Guatemala [is] covered by mining concessions and licenses, many of which, in the case of Guatemala, are located on indigenous territory” (Cuffe, 2005, p. 4), a convergence found by the United Nations (2008) across the globe, and identified as a major concern in *The Manila Declaration of the International Conference on Extractive Industries and Indigenous Peoples* (2009). To confirm the “recentness of this onslaught,” Cuffe (2005, p. 18) cites the Guatemalan Ministry of Energy and Mines (2004) report which indicates that “95 percent of the 147 exploration licenses and 264 exploitation licenses,” as of February 2004, were granted since 2000, though OxfamAmerica & Power (2009, p. 13) note that, in

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<sup>1</sup> What Holden & Jacobson (2007, p. 493) call a “mining-based development paradigm.”

2006, the Guatemala's Deputy Mining Minister observed that "local opposition has reduced the number of licenses for metal exploration in the country from 740 to 315 just in the past two years." Until recently, much resource exploration and investment receives scant media attention though locally-based community political organizing in resistance to such activities is on the rise. One well-documented example is the conflict between local Maya-Q'eqchi' communities and the International Nickel Company, Ltd. (INCO).

This paper explores the tensions between foreign-driven, neoliberal mining projects and local indigenous communities in the context of 'post-conflict' violence (Holden & Jacobson, 2007; Holden et al., 2008; Perreault & Martin, 2005; Solano, 2005; Stephens, 2005). Of specific concern are the practices of Canadian multinational INCO and its role in the EXMIBAL nickel mine in the eastern Guatemalan town of El Estor as it set the stage for fellow Canadian mining companies such as Vancouver, BC-based Skye Resources Inc. and Goldcorp Inc. to move into the country in more recent years (See Figure 1 for mine sites discussed in this paper). The issues of rights, neoliberalism, resistance, and "Canadian imperialism" (Stephens, 2005, p. 58) are all situated in El Estor and will be discussed. This article seeks to highlight the increasing conflicts between indigenous communities and mining companies in Guatemala and to problematize the role of Canadian companies and the Canadian Government in states prone to human rights abuses.

Figure 1. Map of Guatemala, Mines



Source. United Nations (1996)

## 2.0 El Estor and INCO/EXMIBAL

Lack of regulatory requirements and oversight also provide opportunities for abuse as the granting of a concession guarantees not that the company will extract the resource, but that the community will not. An instructive example was raised with respect to a nickel mine in Guatemala, where production began in 1980. By 1983, production had ceased, with the company promising to return once nickel prices had recovered. As of 2002, production had still not resumed, and the indigenous peoples inhabiting the land remain unable to put to use the productive resources of their land (Clark, 2003, p. 6)

INCO arrived in El Estor, Guatemala, a ‘company’ town on the warm shores of Lake Izabal in 1960 when the American Hanna Coal and Ore Corporation transferred its mineral exploration concession lands, a total of 83,915 hectares, to the newly formed EXMIBAL (*Exploraciones y Explotaciones Mineras Izabal, S.A./Izabal Mineral Exploration and Exploitation, Ltd.*), a joint venture between INCO and Hanna (MEM, 2004, p. 20; Solano, 2005, p. 34). INCO held 80 percent of the common shares and Hanna held 20 percent (Astritis & Rights Action, 2003, p. 4). The Guatemalan government granted EXMIBAL a 40-year exploitation concession for its lands in the El Estor area in 1965 and EXMIBAL became a Guatemalan company jointly owned by INCO (70 percent) and the Guatemalan government (30 percent) (Bradbury, 1985, p. 138).

Construction on the El Estor mine occurred through the 1970s and the mine officially opened in 1977. In 1981, after only a few years of production, the company decided that nickel mining in the area was no longer profitable, and by 1982 the mine was completely closed. The mining site remains intact, with 32 workers employed locally for maintenance purposes (EXMIBAL interview, May 17, 2004). The last mining pit sits open, a scar on the side of the mountain, as ore remains to be extracted (See Figure 2). Although the nickel mining plant had not operated in more than 25 years, in late 2004, INCO sold its 70 percent share in EXMIBAL to another Canadian mining company, Skye Resources Inc. (Skye) of Vancouver (INCO, 2004).

Figure 2. INCO/EXMIBAL Mine Site Visit



Source. Nolin, 2004

On December 15, 2004, Skye (2004a) fully acquired INCO's 70 percent share in EXMIBAL, with the Guatemalan Government retaining its 30 percent share. In a related press release, INCO (2004) stated that it acquired such a number of Skye common shares that INCO owned 13.93 percent of Skye. While INCO is no longer the majority share holder in EXMIBAL, the company continues to have notable influence within Skye and, subsequently, the El Estor operations. EXMIBAL's 40-year concession for the lands surrounding El Estor expired in 2005. As a result of Skye's acquisition of INCO's share of EXMIBAL, new mining licences were granted for an initial three year term on the renamed 'Fenix' project and, upon successful completion of their environmental impact study and approval from the Guatemalan Ministry of Energy and Mines, these three-year licenses were converted into 25-year exploitation licenses (Skye, 2004b; Cuffe, 2005). In April 2005, Skye (2005a, 3; 2005b,1) commenced drilling on the Fenix project with a plan to begin production in 2008 (Skye, 2005b).<sup>2</sup>

The Q'eqchi' peoples of the El Estor region are concerned about the return of Canadian mining interests in the area; a return which brings back memories of the brutal days of INCO/EXMIBAL (Q'eqchi' Elder interview, Chichipate, August 2006). The community members that we spoke with want to ensure the sustainability of their lands and surrounding environments (see Figure 3) for the generations to come.<sup>3</sup> As a result of the lost lands and alleged killings associated with mining projects in Guatemala, Q'eqchi' communities that we spoke with do not want to see any mining developments in the area (AEPDI/Defensoría Q'eqchi' Mining Summit meeting, August 4, 2006). An understanding exists among community members, however, that development projects will occur near their communities; therefore, the priority for many local indigenous peoples is to gain acknowledgment and compensation for past losses, and to ensure that such losses do not happen again.

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<sup>2</sup> Through the early months of 2008, Skye Resources experienced financial challenges associated with their planned development project for the Fenix mine (Skye Resources, 2008a). In June 2008, Canadian HudBay Minerals Inc. agreed to a \$436 million deal to merge with Skye Resources, Inc. (Hoffman, 2008); a move which brings on board a company 'with the financial and technical capacity to move it forward rapidly' (Skye Resources, 2008b)

<sup>3</sup> Horowitz (2002) found similar local responses to nickel mining in New Caledonia. Although many of the villagers speaking with Horowitz welcome economic activity, they all wanted assurances of respect for their traditional and legal land rights, their identity, and their dignity. See also North, Clark and Patroni (2006) for recent work on these issues in the Latin American context.

Figure 3. Declaration of the Q'eqchi' Communities on the Mining Concessions

**DECLARACIÓN  
DE LAS COMUNIDADES Q'EQCHI' SOBRE LAS  
CONCESIONES MINERAS**

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De acuerdo a nuestro Calendario Maya Wuqub' Ajmaak, nos hemos reunidos en el municipio de El Estor, Izabal; Alcaldes Auxiliares y Representantes del Consejo de Desarrollo de las comunidades indígenas Q'eqchi' de los municipios de El Estor, Izabal, Panzós y Cahabón de Alta Verapaz, ante la comunidad nacional e internacional;

**MANIFESTAMOS**

1. Nuestro total rechazo a la concesión minera, otorgada por el gobierno de Guatemala a la transnacional INCO/EXMIBAL y otros proyectos mineros que autoriza la exploración y explotación de Niquel en áreas donde están asentadas nuestras comunidades, siendo decisiones unilaterales de gobierno y que en ningún momento nuestras comunidades fueron informadas ni consultadas al respecto y que nunca han dado su aprobación para que proyectos de esta naturaleza puedan desarrollar sus actividades, esto viene a atentar contra nuestra forma de vida, nuestra cultura y a la Madre Naturaleza.
2. Nosotros indígenas Q'eqchi', aún conservamos nuestra filosofía y principios de respeto y equilibrio con el Cosmos, la Naturaleza y la Persona, perforar la tierra, contaminar los ríos, el aire, destruir los cerros, matar a los animales, es continuar con las políticas y estrategias de genocidio y etnocidio contra los indígenas, porque cada elemento de la Madre Naturaleza, es un complemento a nuestra vida.
3. Denunciamos que durante los años de operación de la Compañía Minera INCO/EXMIBAL, contaminó las aguas y el aire, participaron en actos represivos como son secuestros y asesinatos, despojaron las tierras de las comunidades indígenas.
4. La reactivación de dicha concesión Minera, viola los derechos colectivos de los pueblos indígenas que viven en esta zona, contraviene principios elementales de los Acuerdos de Paz, incumplen con las obligaciones del Estado de Guatemala firmado y ratificado en el Convenio 169 de la OIT y otras normas jurídicas nacionales e internacionales.
5. Exigimos al Presidente de la República Licenciado Alfonso Portillo Cabrera, la inmediata derogatoria del Acuerdo Gubernativo que le dio vigencia a dicha concesión que es lesiva a la nación cuyos pueblos demandan que sus derechos sean respetados. En caso de no cumplir con nuestras demandas, haremos uso de nuestro derecho constitucional a la resistencia pacífica y a la manifestación pública de nuestro total desacuerdo.

Dado en el municipio de El Estor, Izabal a los seis días del mes de octubre del año 2003.

Las Comunidades:	Firmas:	Sello:
1. Río Quixchan		
2. Semuc Lote 5		
3. Las Nubes		
4. El Bongo		
5. Santa Maria La Llorona		

Source. Q'eqchi' Communities, October 6, 2003; signed by 32 communities in total.

### 3.0 Methodology

Our fieldwork in Guatemala on this issue took place during the Spring and Summer months of 2004, 2006, and 2008, building on Catherine Nolin's 15 years of research on issues of political violence, migration, and development in Guatemala (Nolin, 2006) and Jacqui Stephens' active participation in May and June 2004. These periods of fieldwork incorporate delegation-style visits to a number of small mining-affected communities and organizations across Guatemala, but with particular interest in the region of El Estor, the site of Maya-Q'eqchi' resistance to INCO/Skye mining. We incorporated our research plans in Guatemala into the planning for the three University of Northern British Columbia (UNBC) Geography Field Schools<sup>4</sup> and in collaboration with Grahame Russell of Rights Action,<sup>5</sup> a community development and human rights organization with its main office in Guatemala City. We draw on our extensive field notes, digital photographs, and transcripts of our video recording of meetings throughout this paper. Key to our approach is valuing solidarity commitments and *testimonio* (intense, collective, witnessing, remembering & sharing) in accessing knowledge that would otherwise be inaccessible. The collection of *testimonios* is a "method to bring previously silenced voices into research projects and ... represents a flexible alternative to structured, qualitative research" (Nolin & Shankar, 2000, p. 266).

<sup>4</sup> Photo Essays of the field schools are available at:

[http://www.unbc.ca/geography/guatemala\\_2010/index.html](http://www.unbc.ca/geography/guatemala_2010/index.html)

<sup>5</sup> Rights Action's web page available online: <http://www.rightsaction.org>, accessed 16 July 2008

During our various excursions we interacted with local community members, non-governmental organizations (NGOs), and other foreigners and scholars across Guatemala. The majority of our primary source materials stems from meetings and interviews with staff of *Centro para Acción Legal en Derechos Humanos / Centre for Human Rights Legal Action (CALDH)*, *Fundación de Antropología Forense de Guatemala / Guatemalan Forensic Anthropology Foundation (FAFG)*, *Asociación para el Desarrollo Integral de las Víctimas de la Violencia en las Verapaces, Maya Achí / the Association for the Integral Development of the Victims of Violence, Maya-Achí (ADIVIMA)*, *Asociación Estoreña Para el Desarrollo Integral / El Estor Integral Development Association (AEPDI)*, representatives of INCO/EXMIBAL, representatives of *Montana Exploradora / Goldcorp, Inc.*, *Comité Campesino del Altiplano / Campesino Committee of the Highlands (CCDA)*, Pastoral Commission-Peace and Ecology (COPAE), and the Canadian Ambassadors to Guatemala, James Lambert and Kenneth Cook. After Jacqui's 2004 fieldwork, Catherine returned to these organizations and communities and continued the research project.

Kindon and Elwood (2009, p. 20) discuss some of the unique challenges (political, ethical and logistical) involved in participatory action research and committed activist scholarship which requires more than attention to methods, but, rather, a "rethinking of theory-practice, teacher-student, and university-community relationships." Additionally, we agree with anthropologist Sanford (2006, p 37) who is clear that those of us (social scientists, public intellectuals and human rights advocates) who do research in conflict zone are in a unique position to share the analytical conclusions of our fieldwork (meetings, conversations, interviews, observations) so that "our research honors the international pleas of *Nunca Más, Never Again.*" Advocacy, solidarity, and scholarship are crucial complements when working on conflictive issues in post-conflict Guatemala (Nolin & Shankar, 2000, p. 265).

In 2004, Jacqui returned to El Estor following the first field school to work with Father Daniel Vogt, director of the AEPDI. The AEPDI is a local Q'eqchi' organization devoted to promoting indigenous rights and community-driven development. Vogt, an American and Catholic priest, is not Q'eqchi' but is well aware of the problems facing the Q'eqchi' peoples having lived in the community for the past 21 years. Subsequently, he is actively involved in the resistance to mining in the region and is a founder of AEPDI. In El Estor, Jacqui collected information relating to INCO's history in the El Estor region and the status of mining in the area at the time, while Catherine continues to monitor the local dynamics and shifting terrain of mining ownership and community-company dynamics. Finally, AEPDI employees and local community members provided insight about local opinions and concerns surrounding development projects in the area throughout our years of involvement in the region (AEPDI, personal communications, May 16-17, 2004; August 2-4, 2006; May 6-8, 2008).

#### **4.0 Global Forces**

As geographers, we are interested in the ways in which the situation in El Estor and the surrounding area is a result of the interaction of global forces that play out in particular ways in particular places (Springer, 2008). Therefore, it is necessary to understand the issues of rights and neoliberalism in order to contextualize the local struggles in Guatemala. While the impacts of INCO/EXMIBAL and Skye/CGN are unique to El Estor, similar rights violations, neoliberal mining

developments, and subsequent resistance movements occur on a global scale, as documented by Bridge (2004), Bury (2005), Gordon and Webber (2008), North et al. (2006), and Tabb (2007), among others. These developments are catching the attention of critical geographers documenting the convergence of neoliberal development and the activities of extractive industries through the world, as seen in the work of Watts (2004, 2005, 2007), for example. Though beyond the scope of this paper, we want to be clear that our approach does not only focus on the negative impacts of Canadian extractive industries on the lands and peoples of the Global South, for we see similar struggles among First Nations communities in Canada against the development plans of Canadian mining companies as well (see, for example, Laplante, 2008; Nolin, 2008, 2009; Office of the Wet'suwet'en, 2009; Takla Lake First Nation, 2008; Tsilhqot'in National Government & Elkins, 2009).

#### **4.1 Rights**

The United Nations and the international community acknowledge the rights of indigenous peoples (Anaya, 1996; Hodgson, 2002; OHCHR, 2002; UN, 2007; UNDP, 2004). These rights include the recognition and protection of distinctive indigenous cultures and lands. Unfortunately, the reality remains that, while indigenous rights are recognized internationally and in many states, the enforcement of these rights is weak (Anaya, 1995, p. 326; Barsh, 1996, p. 803). It is imperative that indigenous rights are promoted for the well being of indigenous peoples and the world as a whole. As economic development specialist Brascoupé (1992, p. 15) highlights, land and natural resources are of utmost importance to indigenous peoples, but their knowledge of such resources are valuable for all of humanity.

Indigenous rights lack some authority due to the perceived clash between collective rights and individual rights (Anaya, 1995; Holder & Corntassel, 2002; Johnston, 1995). Okin (1998, p. 33) defines individual rights as those rights reflected in the 1948 *Universal Declaration of Human Rights*; these are rights belonging to all human beings indiscriminately and not dependent on membership in specific cultural or political groups. Rights scholar Hartney (1995) defines collective rights as those rights belonging to groups of people based on a collective identity. Indigenous rights are collective, as are the rights of women and the rights of minorities. Anaya (1995, p. 326) explains that international law recognizes Western liberal philosophy, which is based on individual rights superseding collective rights. Johnston (1995, p. 179) builds on Anaya's claims, stating: "Collective rights are seen as inherently dangerous and oppressive. The reaction stems from a perceived clash between individual rights and group rights. Collective and individual interests, however, are not inevitably antagonistic."

It is important to recognize that indigenous groups value both individual and collective rights. Aside from collective cultural survival, collective rights are important to protect the individual well being, and thus the human rights, of indigenous peoples. As such, Holder et al. (2002, p. 143) state that the "recognition of collective and individual rights... [is] mutually interactive rather than mutually exclusive." The strong importance of kin systems, for example, emphasizes the interdependence of individuals within indigenous communities. Individual rights alone do not have the power to preserve the link between indigenous peoples and their territories. Johnston (1995, p. 194) argues that, without a right that protects against "the group-destructive practice of alienating native land" by the dominant group, indigenous identity will be threatened. Unfortunately, countries such as



Guatemala (Davis & Warner, 2007; Jonas 2000, p. 31; Menjívar & Rodríguez, 2005; Montejo, 2003) do not have the judicial systems in place to recognize and enforce such rights. As a result, it remains common practice in post-authoritarian countries to repress indigenous rights and instead fuel development projects and state economies in the name of democracy.

#### **4.2 Neoliberalism**

One of the ways in which countries such as Guatemala fuel their economy is through a strong focus on neoliberal development projects (Henderson, 2008; Radcliffe, 2007). Robinson (2000, p. 91) describes neoliberalism as a model that aims to achieve the “mobility and free operation of capital”:

This model aims to harmonize a wide range of fiscal, monetary, industrial, and commercial policies among many nations as a requirement for fully mobile transnational capital to function simultaneously, and often instantaneously, among numerous national borders.

Neoliberalism is coupled with structural adjustment, which includes the liberalization of trade and the privatization of certain public spheres, both of which open a state’s economy and increasingly shift decision making from the state to private interests (Springer, 2009, 2010). Susan George (2003, p. 32) adds that neoliberalism was built by Western economists, politicians, and businesses (see also Slater, 1995, p. 367). McChesney (1998, p. 7) sums up the impact of neoliberalism:

Neoliberalism is the defining political economic paradigm of our time—it refers to the policies and processes whereby a relative handful of private interests are permitted to control as much as possible of social life in order to maximize their personal profit.

Perreault and Martin (2005, p. 191) state that culture, identity, and the environment have emerged as “key neoliberal frontiers” and that these frontiers are linked by transnational practices: “taken together these political, economic, and cultural processes are producing new geographies of neoliberalism.” Neoliberalism is both a local and global process, often driving changes at a global or national level that embed themselves in the local landscape (Perreault et al., 2005). This concept is central to mining projects in Guatemala where mining companies are guided by global and national policies, but the strongest impact of mining practices are felt in the local cultures and environments. Neoliberal mining development is changing the local landscape in Guatemala by altering local customs and economies (Vogt, personal communication, 2 August 2006). In El Estor, the process of acquiring lands for the INCO/EXMIBAL mine often forced local Q’eqchi’ peoples to change their traditional livelihoods of subsistence farming and find employment (AEPDI/Defensoría Q’eqchi’ Mining Summit meetings, 4 August 2006).

Jeffrey Bury (2005) uses local experiences in Peru to examine the impact of neoliberalism and globalization. Bury (2005, p. 227) highlights the importance of studying the national, regional, and local scales of neoliberalism in order to understand the impact of development projects. Bury (2005, p. 228) believes that studying the “complex nature of geographies of neoliberal change in local places and spaces” will provide greater understanding of how neoliberal policies materialize on a local scale. Bury (2005, p. 230) proceeds to discuss how

neoliberal policies have allowed private interests and corporations to alter land holding patterns both in Peru and throughout Latin America. In particular, mining companies in Peru are “accelerating the transformation of land-tenure institutions from communally managed, or informally negotiated, to private ownership.” Such shifts affect both local land use and the regional ecology (Bury 2005, p. 231).

Escobar (1995), Kiely (2002), Klein (2007), and Slater (1995) discuss the negative impact of neoliberalism in Latin America with precision and passion. Arturo Escobar (1995, p. 93) explains that neoliberalism has been dominant among elites in the Americas and much of the Global South since the 1980s, leading to trade liberalization, privatization, and the increased presence of the International Monetary Fund (IMF). Slater (1995, p. 367) supports Escobar’s (1995) assertion that neoliberalism entered Latin America in the 1980s and describes the process as a “wave” of Western ‘truth’ that “purported to offer the sole prescription for development and progress.” Escobar (1995, p. 90) states that crises began to emerge in Latin America when countries could not meet their debt obligations and he likens the industrial decline in Latin America resulting from neoliberal policies to a “reversal of development.” As Latin American author Eduardo Galeano (1985, p. 303) forcefully put it: “Underdevelopment is not a step towards development, but the historic consequence from foreign development.”

Perreault et al. (2005, p. 191), among others, argue that neoliberal policies are increasing their dominance in Latin America, citing the 2005 signing of the Central American Free Trade Agreement (CAFTA), continued privatization, and the growing influence of transnational corporations. OxfamAmerica (2004a; 2004b) links CAFTA and free trade generally to increases in poverty and hunger throughout Latin America. Over the past five years, protests against CAFTA are strong in Guatemala and bring together people from a broad spectrum of civil society from *campesinos* (workers of the land) to feminist organizations to human rights activists (See, for example, Rodríguez, 2008a, 2008b). The *Resource Center of the Americas* (2005a) documents that the Guatemalan government met strong popular resistance to its ratification of CAFTA with violence, injuring at least 11 people in the days following the beginning of the ratification process on 8 March 2005. Russell (2005) adds that one protester, Juan López, a poor farmer, was killed by Guatemalan security forces during the anti-CAFTA demonstrations.

Sandbrook and Romano (2004, p. 1011) and Springer (2008) fear that neoliberalism continues to breed insecurity, intolerance, and anger. George (2003) outlines the increasing poverty levels and financial crises around the world as a result of neoliberal globalization. These “losers” in the process of globalization include individuals and nations. George (2003, p. 21) expands on the inequalities inherent in globalization, explaining that corporations do not promote job security and that foreign investment actually destroys rather than creates jobs. Furthermore, as global commodity prices continue to fall, a product of World Bank (WB) and IMF policies, primary food producers grow increasingly poor. The neoliberal policies and their dominance throughout the Americas have a direct impact on mining operations and local communities in Guatemala, to which we now turn our attention.

## **5.0 Canadian Imperialism in Latin America**

Canada is a strong member of the Western world, espousing the rule of law and values of democracy. With institutions such as the International Centre for Human

Rights and Democratic Development,<sup>6</sup> CANADEM,<sup>7</sup> dedicated to international peace, and the International Development Research Centre (IDRC),<sup>8</sup> Canada is seen as a leading figure in fighting for international and universal human rights. While Canada has a history of humanitarian missions, non-intervention in armed conflicts, and participation with the United Nations, the Canadian government is also a strong proponent of neoliberal trade, individual rights, and big business (d'Aquino, 2007; Government of Canada, 2004; Lambert, 2004b), all of which, we argue, deny local community rights and sustainability.

In its 2003 Submission to the Dialogue on Foreign Policy, Amnesty International Canada (2003, p. 8) issued a concern relating to Canada's increased promotion of global liberalism:

Canada has...actively sought to promote Canadian trade and investment abroad on a bilateral basis. Free trade agreements exist with Chile, Costa Rica and Israel and possible free trade agreements with the European Union, the Dominican Republic, the Andean Community and the Caribbean Community are presently under consideration. Government trade missions, sometimes led by the Prime Minister, have promoted increased commercial links around the world, including in countries...where Amnesty International has documented serious ongoing human rights violations.

Such global trade deals and investment schemes often overlook the human rights of local citizens for the benefit of economic pursuits or proceed using the argument that trade will ease human rights violations.

Gordon and Webber (2008) document the extent to which the Canadian Government and Canadian companies are active in Latin America; demonstrated earlier at a Centre for Research on Latin America and the Caribbean (CERLAC) and Mining Watch Canada conference held at York University in October 2002 (North et al., 2006). In a report based on the conference, Clark (2003, p. 5) notes that Canadian state policy has both a direct and indirect impact on mineral exploitation throughout Latin America. Of note is Canadian Government involvement in the World Trade Organization (WTO), the North American Free Trade Agreement (NAFTA), the IMF, and the WB. These agreements and institutions all promote neoliberal trade and investment, often resulting in the dependence and further debt of countries of the Global South to countries of the Global North, such as Canada and the United States, and to international funding agencies, such as the WB and IMF (see Escobar, 1995; Power, 2003, Slater, 1995). While the Canadian Government supports such a neoliberal agenda, Clark (2003, p. 5) notes that the government has not put the same degree of support behind international conventions to protect community and environmental rights or to support the stronger regulation of the activities of Canadian corporations around the world (Broadbent & Neve, 2008; Lambert, 2004b).

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<sup>6</sup> ICHRDD web page available online at: <http://www.ichrdd.ca/>

<sup>7</sup> CANADEM web page available online at: <http://www.canadem.ca/>

<sup>8</sup> IDRC web page available online at: <http://www.idrc.ca/>

## **5.1 Guatemala**

The Canadian Government and Canadian companies are currently involved in trade and investment with Guatemala. Of specific concern in this former authoritarian state is Canadian investment in natural resource development. Guatemalan journalist and researcher Luis Solano (2005), along with Canadians Astritis (2003) and Paley (2008), details the connection between the Canadian and Guatemalan Governments during Guatemala's successive military dictatorships. Astritis (2003, p. 3-4) explains that the Canadian Government stayed quiet during the CIA-sponsored overthrow of Guatemala's democratically-elected government in 1954 and Canadian multinational corporations continued doing business in Guatemala. Ballard and Banks (2003, p. 296) refer to a Mining, Minerals and Sustainable Development project report which states that human rights abuses are most likely to occur in relation to mining where mining corporations work within countries with weak governments or repressive regimes.

In Guatemala, natural resources are most often located on indigenous lands, although these peoples have few rights to the resources (Cojtí Cuxil, 1996, p. 32; Gibson, Lehoucq & Williams, 2002; Lovell, 2005, 2006; Taylor, 2005). Indigenous communities in these countries have few concrete rights to their own lands, and the presence of multinational corporations on their territories only exacerbates their struggle for ownership of lands and resources (Gijón, personal communication, May 14, 2008; Rey Rosa, personal communication, May 5, 2008). Amnesty International Canada (2003, p. 9) details the negative impact of free trade and globalization on indigenous communities:

Worldwide, Canadian companies expand their reach, investing in countries such as Sudan, Myanmar and Colombia. Initiatives such as the FTAA will only accelerate this trend. Very often this involved companies from the natural resources sector, including mining, petroleum and forestry, traditional Canadian strengths. But new mines, oil wells and logging operations frequently bring companies to areas of countries which are experiencing armed conflicts, where there may be disputes about the land rights of Indigenous peoples, and where human rights violations associated with efforts to move communities off of lucrative lands are commonplace. To date the Canadian government has left it in the hands of companies to design and implement their own voluntary codes of conduct as a means of guarding against the risk that corporate operations will contribute to human rights violations.

While Canadian companies are responsible for their own actions, the Canadian Government does little to enforce sound business practices in those companies' operations abroad (Imai et al., 2007; Koehl, 2007).<sup>9</sup>

The former Canadian Ambassadors to Guatemala, James Lambert and Kenneth Cook, reflected the Canadian government's pro-business, pro-mining stance, as

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<sup>9</sup> Hence the campaign "Mandatory NOT Voluntary: Regulate Canadian Mining, Oil and Gas Companies Overseas" led by the Halifax Initiative, a coalition of development, environment, faith-based, human rights and labour groups. The Halifax Initiative web page is available at: <http://www.halifaxinitiative.org/#>

does the current Ambassador Leeann McKechnie (Foreign Affairs and International Trade Canada, 2009; Schibli & Barr, 2005). The Canadian Government and their embassies around the world support neoliberal trade arrangements and facilitate Canadian investment in foreign countries (Government of Canada, 2004). During a meeting with Ambassador Lambert on May 26, 2004 in Guatemala City, the Ambassador stressed that both the Canadian Government and its embassies encourage all Canadian companies to operate with sound business practices and to comply with the standards of the International Labour Organization's (ILO) Convention 169, adopted in June 1989 (OHCHR, 2002), which requires that indigenous peoples be consulted prior to any development on their traditional territories. ILO 169 (OHCHR, 2002) states that governments shall consult and give consideration to all peoples affected by development, promote the participation of these peoples in decision-making processes, and facilitate the development of local initiatives and institutions. Although the Canadian Government and its embassies encourage all Canadian companies to comply with ILO 169, the Canadian Government itself has not ratified ILO 169. Furthermore, while government and outside pressure can encourage ILO 169 compliance, there is no mechanism in place to enforce any consultation process.<sup>10</sup>

Ambassador Lambert's statements in support of Canadian mining in foreign countries, and specifically in Guatemala, are reflected in an opinion piece he wrote for the Guatemalan national newspaper, *Prensa Libre*. Lambert (2004a) argues that Canada is a major mining country and yet is also recognized as being one of the most environmentally and socially responsible countries in the world. Lambert (2004a) argues that Canada is a leader in sustainable development practice and is a "responsible exploiter" of resources both in Canada and around the world. Ambassador Lambert fails to discuss the business practices of Canadian companies in foreign countries in his brief article. While the practices of Canadian companies in Canada may not be as stellar as Lambert (2004a) declares, those concerned with Canadian mining companies operating in foreign countries are more concerned with the practices of these companies abroad, which differ significantly from their practices in Canada. Guatemala and Canada are very different countries, as Magali Rey Rosa (2004), formerly of the Guatemalan environmental organization *Madre Selva*, points out in her response to Lambert's article, and Canadian companies operating in Guatemala are held to Guatemalan law, not Canadian law.<sup>11</sup> As there are no bodies able to enforce ILO 169 or any other business practices, Canadian mining companies are largely left to govern themselves. More unsettling than Lambert's faith in voluntary compliance, though, were Ambassador Cook's comments (personal communication, August 1, 2006) that the lands on which INCO/EXMIBAL established the original mine in El Estor were "barren lands, depopulated, and of no cultural significance." In a terrible repetition of the colonial discourse of "empty lands" of the West, Ambassador Cook's comments removed the original inhabitants from the picture of resource development so that "consultations" are unnecessary. Instead, the Maya-Q'eqchi' peoples are constructed in the Embassy's discourse as "occupiers," "squatters," "rebels," and manipulated by external human rights and environmental organizations who are "anti-development" (Rights Action, 2007; Tunarosa, 2006, p. A15).

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<sup>10</sup> Personal communication, James Lambert, Canadian Ambassador to Guatemala, Guatemala City, Guatemala, May 26, 2004

<sup>11</sup> James Lambert, personal communication, May 26, 2004

## **5.2 INCO's Past in Guatemala and Human Rights Abuses**

The controversy over INCO's strong connection with successive Guatemalan Governments throughout the years of the internal armed conflict, as documented by Astritis et al. (2003), Bradbury (1985, p. 138), Imai et al. (2007, p. 105), and others, continues to this day. In 1965, the same year that EXMIBAL received the 40-year exploitation concession to El Estor lands, the Guatemalan mining code was changed to become more open to foreign investment (Driever, 1985, p. 34). Strong links are evident between INCO company executives and Guatemalan officials drafting the mining code, including allegations that the mining code was based on discussions with INCO representatives and English-language drafts (Acker, 1980, p. 5–8; Daniel Vogt, personal communication, May 16, 2004). The Catholic Church-sponsored Recovery of Historical Memory Project (REMHI, 1999, p. 207), the United Nations-sponsored Commission for Historical Clarification (CEH, 1999, vol. 6, p. 99–104), and sociologist Paul Kobra (1999, p. 42) document the killing of two members of an ad-hoc commission of the School of Economic Sciences based at the University of San Carlos investigating this disputed contract between EXMIBAL and the Guatemalan government (Driever, 1985, p. 36). The Truth Commission (CEH, 1999) also documents the abuses carried out by military forces associated with EXMIBAL to force local people off mining lands, including the first in a long line of massacres which occurred in the town of Panzós, Alta Verapaz.

### **5.2.1 Panzós**

The 1978 Panzós massacre demonstrates the ultimate land conflict between rural farmers and authoritarian regimes in what Grandin (2004, p. 132) identifies as a “prelude to genocide.” On May 29, 1978, a large number of Q’eqchi’ men marched to the village of Panzós, Alta Verapaz, to protest their loss of lands to the INCO deal. The Truth Commission (CEH, 1999, vol.6, p. 13) explains that the inhabitants of Panzós and the surrounding area began losing lands in the mid-nineteenth century when then Guatemalan President Justo Rufino Barrios passed a decree facilitating the expropriation of indigenous lands for large-scale agriculture and new German settlers. The Truth Commission (CEH, 1999, vol.6, p. 13-14) goes on to state that the majority Q’eqchi’ campesinos in and around Panzós began their contemporary fight for their lands during the short-lived 1952 Agrarian Reform, which aimed to redistribute land holdings more equitably throughout Guatemala. However, as the Agrarian Reform came to an end with the CIA-sponsored overthrow of the ruling government in 1954, many Q’eqchi’ remained without any title to land. The overthrow of the 1954 government, driven by United States foreign policy, aimed at maintaining American economic and land interests in Guatemala (Galeano, 1997; Schlesinger & Kinzer, 1999), again highlights the tensions surrounding land and land reform and, in particular, the power of the ruling elite and large land owners. The Q’eqchi’ continued the struggle to reclaim their lands and the Truth Commission (CEH, 1999, vol.6, p. 14) explains that, by the 1970s, the Q’eqchi’ in and around Panzós were quite organized. This level of organization concerned local military officials and, a few days prior to the massacre, the Truth Commission (CEH, 1999, vol.6, p. 15) documents that the army was in the local municipality, ready to subdue the *campesinos*.

Fernando Suazo, a former Catholic priest and respected Guatemala-based historian, concurs with the Truth Commission (CEH, 1999, vol.6, p. 15), stating that the Guatemalan army, aware of the planned protest on May 29, 1978, arrived

in Panzós ahead of the protest and opened fire on the *campesinos* (personal communication, May 15, 2004 and May 9, 2008). The International Work Group for Indigenous Affairs (IWGIA, 1978, p. 7) states that the army killed 34 and wounded 17 people according to official accounts, although unofficial reports place the number of dead closer to 100. Although the IWGIA (1978, p. 8) explains that the lands surrounding Panzós were of little value to non-locals due to their isolated nature, local peoples were still forcibly removed as the presence of the INCO/EXMIBAL nickel operation and petroleum nearby increased the interest the area, further marginalizing local Q'eqchi' peoples (Community meetings in Chichipate, Izabal, Guatemala, May 17, 2004 and August 3, 2006; Community meeting near Finca La Moca, near Panzós, Alta Verapaz, August 4, 2006).

According to Vogt (personal communication, May 16, 2004 and August 2, 2006) a group of Q'eqchi' from the village of Chichipate, in the El Estor municipality, were aware of the protest and had planned to march to Panzós, a distance of 15 kilometres, to participate. However, EXMIBAL security forces, who were also aware of the planned protest in Panzós and did not want the Chichipate community members taking part, intercepted and fired upon the group before they arrived in Panzós. The group fled back to Chichipate. While a number of these Q'eqchi' probably would have lost their lives had they made it to Panzós, Vogt (personal communication, August 2, 2006) points out that the interception provides a strong link between the Guatemalan armed forces who carried out the Panzós massacre and EXMIBAL operators who were warned of the impending massacre. Current members of Chichipate and neighbouring communities continue to resist the return or establishment of any mining operations to the area as the return to such abuses remains a possibility in their eyes (Community meetings in Lote 9 and Barrio Revolución, near El Estor, May 7, 2008), particularly in light of the January 2007 forced evictions of several communities (including Barrio Revolución), carried out by the national civilian police and ordered by Skye, as well as the burning of their homes by Skye-connected actors, as documented through film and photography by Rodríguez (2007) and Schnoor (2007), but down played by Skye's CEO Ian Austin on CBC Radio (CBC Radio, 2007) and refuted by Canadian Ambassador Kenneth Cook (see Public Letter by Schnoor, Paley, Russell, Cuffe & Rodríguez, 2007).

### **5.3 Mining and Resistance**

Gibbs (2003) explains that a long and antagonistic relationship exists between indigenous communities and the mining industry, stemming from the high percentage of minerals on indigenous territories and the often negative impact of mining on the environment. Gedicks (1994, p. 38) adds that mining threatens indigenous ways of life through pollution, the destruction of sacred sites and landscapes, and the imposition of Western values. The negative impacts of extractive industries are felt worldwide, as documented with oil developments in the Russian Federation (Tuisku, 2002, p. 149-150; Vakhtin, 1994, p. 63-65) and Nigeria (Hodgson, 2002; Watts, 2002, 2004, 2005, 2007) and mineral extraction in Honduras (Cuffe, 2005), Peru (Bury, 2005), Australia (Gibbs, 2003), New Caledonia (Horowitz, 2002), and the United States (Gedicks, 1994). In addition to damaging surrounding environments, mining developments require access to large amounts of land. Ballard & Banks (2003, p. 298) and Vandergeest, Idahosa and Bose (2006, p. 3) point out that mining projects often result in the massive displacement and relocation of indigenous populations. When mining projects end, environments will no longer be as productive and will likely be unable to

sustain any returning indigenous population. In many cases, such as the INCO/EXMIBAL mine in El Estor, Guatemala, the mining site remains actively secured even after production ceased, making a return to the land impossible for displaced indigenous communities.

Ballard et al. (2003, p. 295) argue that mining practices have created the realization that resources “can be a curse that gives rise to a lack of development, internal tensions, human rights abuses, and conflict at the national level.” Ballard et al. (2003, p. 298) state that mining companies around the world subject indigenous communities to harmful acts such as dispossession of lands, rights abuses, murder, and mass killings. The United Nations Development Programme (UNDP, 2004, p. 86) voices the concern that the previous 20 years saw a promotion of investment in extractive industries in more than 70 countries around the world. Many of these targeted natural resources lie on indigenous territories, thus linking resource development with the survival of indigenous communities. The UNDP (2004, p. 86) believes that, “if current trends continue, most large mines may end up being on the territory of indigenous people.”

In her research on mining and indigenous peoples in Western Australia, Gibbs (2003) explains that the mining industry imposes considerable pressure on indigenous rights. Clark (2003, p. 8) argues that mining corporations continue to drive mining developments by dominating “the language within which negotiations take place and public information is circulated.” In controlling the arena within which mining discussions and decisions occur, large corporations maintain the power imbalance that exists between large resource developers and local communities and organizations. Therefore, even when indigenous communities or local development initiatives are included in mining development discussions, the large corporations dominate the discussions and guide the decisions. Ali and Behrendt (2001) add that mining companies maintain substantial power within their communities of operation due to their presence as often the only source of stable development and employment. In the case of Guatemala, however, the promise of jobs is often not enough for local peoples as most employment is short term and many jobs are not filled by local peoples (Community meetings in Chichipate, Izabal, May 17, 2004 and August 3, 2006). This scenario is playing out in a case in the remote western highlands of the Guatemalan Department of San Marcos.

#### ***5.4 The Marlin Project – “We have to protect the investors”***

Wide-spread local opposition to mining is both an historic and contemporary issue in Guatemala, with extreme consequences in the eastern department of Izabal and the western department of San Marcos (Handy, 2008). Canadian-based transnational mining company Goldcorp Inc. (Goldcorp) is “one of the world’s largest gold mining companies” with projects throughout the Americas and prides itself as “North America’s lowest-cost and fastest growing senior gold producers” (Goldcorp, 2009a). Goldcorp’s Marlin Project is located in the Western Highlands of Guatemala, in the Department of San Marcos, near the mainly indigenous communities of San Miguel Ixtahuacán and Sipacapa, 48 kilometres southwest of the major centre of Huehuetenango, and covers an area of 100,000 hectares (Goldcorp, 2009b).<sup>12</sup> The Marlin Project is owned by *Montana Exploradora de*

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<sup>12</sup> Information originally obtained through Glamis Gold Ltd’s now-defunct website. Retrieved on January 15, 2005, <http://www.glamis.com/properties/index.html>.



*Guatemala / Montana Exploratory* (Montana), a subsidiary of Goldcorp, and was partially-funded by the International Finance Corporation (IFC, 2004), a branch of the World Bank.<sup>13</sup>

As of December 2007, the Marlin mine employed a total of 1,149 workers, about one percent higher than the December 2006 total of 1,121 (Montana Exploradora, 2008, p. 7), though down from the November 2004 figures of 1,300 employees (IFC, 2004). The IFC (2004) states that local residents filled approximately two-thirds of these jobs. Although it is hard to dispute the importance of these jobs in an area of Guatemala in significant need of economic development, Vogt (personal communication, February 16, 2005), Koehl (2007), and others point out that there are no guarantees of job security and there are ongoing complaints that a large portion of jobs are sourced outside the San Marcos area. As a result, mining in San Marcos does not enjoy wide-spread popular support (Fr. Helio Gijón, personal communication, May 14, 2008; Quinto & Marroquín, 2009). Ramirez (2004) reports in *Prensa Libre* that though many Marlin mine employees are local, the majority of San Miguel Ixtahuacán and Sipacapa residents oppose mining in the area. Ramirez (2004) states that, in a survey conducted by Vox Latina, 95.5 percent of those surveyed oppose mining development in the area and believe that the only beneficiaries of the development will be the mining company owners. Another 83.5 percent believe that gold extraction will harm the environment and only 11.5 percent believe that the Marlin Project will benefit their communities.

Agitation against foreign exploitation emerged on the national scene on December 3, 2004, when indigenous people from the Department of San Marcos gathered to block equipment destined for the Marlin mine from passing under a bridge along the Panamerican Highway, 130 kilometres northwest of Guatemala City. According to Guatemala-based reporter Replogle (2005), over 2000 indigenous people participated in the first day of the protest. Guatemalan journalist Seijo (2004) explains that local concerns about open-pit mining date back to the first mineral explorations in the area in 1997 and escalated in 2003 when work on the mine began. Replogle (2005) states concerns that local peoples were not properly informed or consulted about the Marlin mine as called for by ILO 169. In addition to lack of consultation, local peoples are protesting Guatemala's mining laws (MEM, 2004, p. 6) that allow 99 percent of mining profits to go to investors, rather than to local communities. Replogle (2005) highlights the fact that the Marlin mine brings 1000+ jobs to an area of the country with 97 percent poverty, but locals argue that the Marlin mine is not the type of development that will help them in the long term.

On January 11, 2005, the forty days of protest came to an end when the Guatemalan government called in the military and one protester was killed (Russell, 2005). Witte (2005) and Vogt (personal communication, January 11, 2005) explain that, at 3:00am, hundreds of Guatemalan police and army soldiers arrived at the blockade to escort the equipment convoy to the Marlin mine. The officers used tear gas and fired shots to disperse the protesters but, as the protesters refused to end their demonstration, police killed one man, Raúl Castro Bocel. After the incident, then Guatemalan President Oscar Berger was widely reported as saying, "We have to protect the investors" (Abd, 2005; Global Response, 2005). This statement clearly illustrates the Guatemalan government's position on foreign investment and

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<sup>13</sup> This project was initiated by the transnational mining company Glamis Gold, Ltd in 2002 and later acquired by Glamis Gold, Ltd. in November 2006.

demonstrates why local peoples worry about the repression of their rights for the benefit of “Guatemala’s economic development,” or more accurately, the enrichment of a few. In a later report, Witte (2005) and Vogt (2005) state that ten other protesters and several police officers were hurt. The protest was mentioned in the Canadian national newspaper, the *Globe and Mail*, but reporter Wendy Stueck (2005) makes only passing reference to reports of one fatality while the article is accompanied by a photo of an injured police officer being carried away.

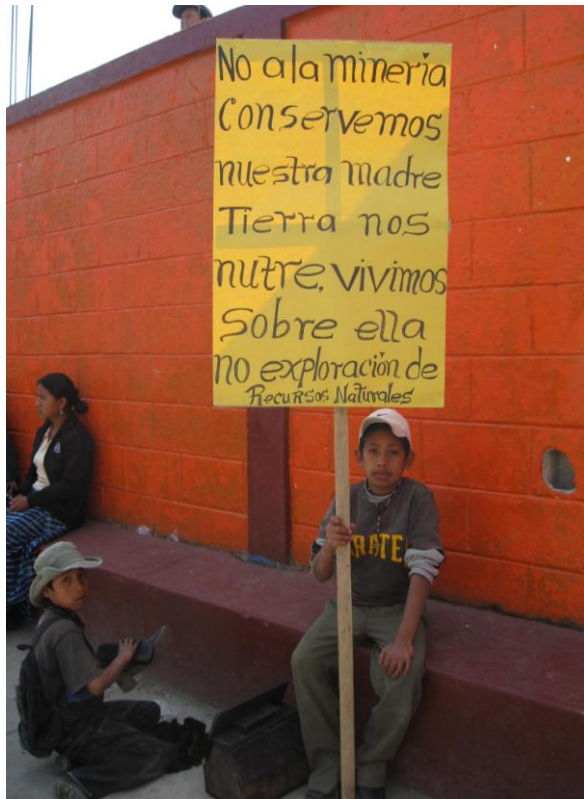
The current situation in San Marcos is representative of past struggles in El Estor and a sign that indigenous peoples across Guatemala continue to be concerned with mining projects. We observed the high level of opposition to the Marlin mine and Goldcorp’s plans for expansion in the region during a massive “No to Mining” march of more than 2,500 people organized in the neighbouring remote community of Comitancillo, to which we were invited to participate by local indigenous rights activists and the local Catholic priest Father Helio Gijón on May 14, 2008 (See Figures 4 & 5) and the protests continue into 2010 (Amnesty International Canada, 2010; Einbinder 2009; García 2009).

Figure 4. ‘No to Mining’ march, Comitancillo, San Marcos, May 14, 2008



Source. Nolin, 2008

Figure 5. 'No to Mining' march, Comitancillo, San Marcos, May 14, 2008



Source. Nolin, 2008. \*Sign reads: No to mining. We must conserve our Mother Earth who nurtures us, we live on her. No to exploration of natural resources

### ***5.5 Foreign Development Models and Local Consequences***

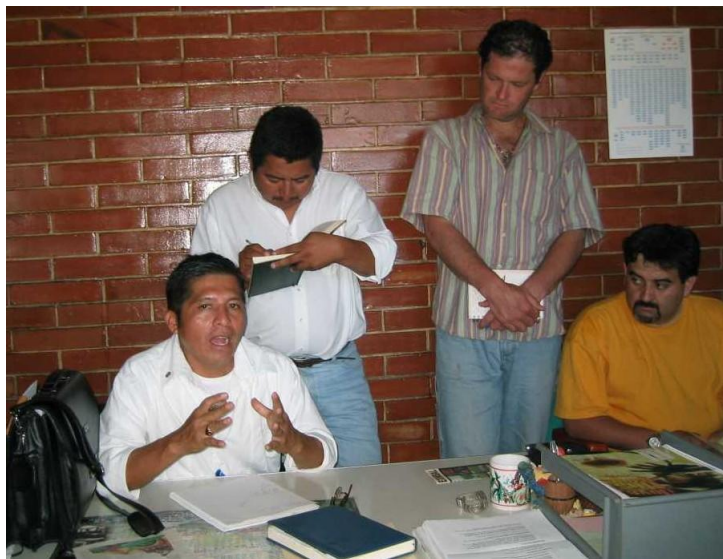
The development model pursued by the Canadian Government and Canadian mining companies undermines the more important social needs of Guatemalans and works against locally-driven, long-term, sustainable development. While job creation is an important part of the equation, so too is access to the vast lands that local Maya peoples have lost and stand to lose to resource development. Land is integral to indigenous cultures, and without lands on which to live, indigenous peoples are increasingly marginalized. Canadian mining company Jaguar Nickel (2003) stated in its 2003 Annual Report that it held 1200 square kilometres of land in Guatemala and that by using these mountainous lands for resource development, local land owners are able to use the more fertile lands for agricultural production. In reality, large landowners have already illegally expropriated the most fertile lands in Guatemala (Grandin, 2000, p. 395; Lovell, 2005, p. 6). In our meetings with more than twenty indigenous and non-indigenous communities throughout Guatemala, it is apparent that the local Maya peoples are rarely defined by the state as the legal landowners and were pushed off these lands and into the marginal, high-altitude mountainous (Organizational meetings with ADIVIMA, Rabinal, May 14, 2004 and CCDA, Quixaya, May 23, 2004; Community meetings in Chichipate, Izabal, May 17, 2004 and August 3, 2006). Now at least five communities (more, when we also consider the smaller, nearby *aldeas/villages*) are at risk of displacement from their newer homes near El Estor with no apparent

solution; they ask “Where are we to go next” (Community meetings in Lote 9 and Barrio la Revolución, Izabal, May 7, 2008)?

According to former Ambassador Lambert (personal communication, May 26, 2004), the role of the Canadian Embassy is to ensure a fair bid process for Canadian companies wanting to invest in Guatemala. In the case of El Estor, Ambassador Lambert asserts that Canadian investment could make an important economic contribution to Izabal, a Department regarded as one of the poorest in the country. The Ambassador stresses the importance of good business practices, particularly in compliance with the ILO Convention 169 (OHCHR, 2002). Canadian companies are urged to comply with ILO 169 although there is no mechanism in place to enforce any consultation process. As evident during our site visits to El Estor and the INCO/EXMIBAL (and later Skye/CGN) operations, coupled with ongoing protests against the Marlin mine in San Marcos, ILO 169 is simply not respected in resource developments in these regions. Canadian investment in Guatemala is profitable for Canadian businesses and, subsequently, the Canadian economy, regardless of any violations of human and environmental rights.

During a meeting on May 17, 2004, El Estor's then-mayor, the now-deceased Rigoberto Chub, denied that EXMIBAL employees carried out any human rights abuses and stated that the abuses documented in the UN-sponsored Truth Commission report (CEH, 1999) are false (See Figure 6). Mayor Chub welcomed the return of mining to El Estor as it would bring needed jobs and investment to the area. Local EXMIBAL representatives present at the meeting were also hopeful of re-starting operations and believe that EXMIBAL's presence in El Estor has always been a positive one.

*Figure 6.* INCO/EXMIBAL site visit with El Estor Mayor, 17 May 2004



*Source.* Nolin, 2004. Then El Estor Mayor, Rigoberto Chub (left), EXMIBAL employee (second from left), Grahame Russell of Rights Action (2<sup>nd</sup> from right), and UNBC student (right)

After this first EXMIBAL site visit, we traveled to Chichipate—a community close to El Estor—to meet with local Maya-Q’eqchi’ community members who spoke out against the return of EXMIBAL or any mining company to the El Estor

area (See Figure 7). At the time, these people did not want to be recorded as they continue to fear repercussions from both EXMIBAL representatives and the Guatemalan army. Some community members did, however, recount how they lost their best lands to expropriation by large landowners decades ago and later how resource developers pushed them off their mountainous lands. One community member lost two sons and another member lost one son, all community leaders, to what they identified as death squads associated with EXMIBAL. Such testimony is not uncommon among local residents. Representatives of three different Q'eqchi' communities spoke of their united opposition to renewed mining. They recounted their worry of losing their remaining lands as it is common practice for official documents related to community land ownership to be changed or go missing.

*Figure 7.* Meeting with Chichipate elders and community leaders, May 17, 2004



*Source.* Nolin, 2004

The Q'eqchi' peoples of the El Estor region are asking Canadians, as citizens of the same country as INCO, Skye Resources, and Goldcorp to speak out against the mining operations and give an international voice to indigenous peoples' struggles. Although many peoples are speaking out against mining in their communities, as Horowitz (2002) documents in New Caledonia, the goal of local indigenous people is to ensure the sustainability of their lands and surrounding environments for the generations to come. As a result of the lost lands and killings associated with mining projects in Guatemala, the people with whom we met do not want to see any mining developments on their lands. However, the priority for many local indigenous peoples is to gain acknowledgment and compensation for past losses and to ensure that such losses do not happen again. Broadbent et al. (2008) argue that Canadians must pressure their government and companies to comply with ILO 169 to ensure that all affected parties are heard and, furthermore, to encourage mining companies to develop and practice more environmentally and socially sound projects. Most importantly, we argue as scholars and activists, that researchers, investors, and interested citizens must take direction from mining-affected communities.

## 6.0 Conclusion

Guatemala is a country rich in resources. These resources include excellent agricultural areas, as well as mining, timber, and petroleum. Unfortunately, these resources are situated on lands seized from Guatemala's indigenous population by rich land owners and the Guatemalan Government, and the majority of Guatemala's people have yet to benefit from these riches as neoliberal development schemes are implemented to benefit the powerful ruling minority at the expense of the poor majority. As W. George Lovell (2000, p. 434) explains, "Guatemala has been made a poor country because access to its resources, especially its land resources, is characterized by crippling structures of inequality." Magali Rey Rosa, environmental activist and national columnist in Guatemala's *Prensa Libre* echoed these unfortunate realities with these comments: "The laws are loose, the land cheap, the labour cheap and the politicians cheaper" (personal communication, Guatemala City, May 5, 2008).

Conflicts over land have a long history in Guatemala. Mining companies such as INCO took advantage of the land disputes and the internal armed conflict that raged through the first thirty years of EXMIBAL's El Estor concession to impose development models profiting the companies and not the local peoples. As a result, the presence of EXMIBAL in El Estor only increased the terror of the armed conflict for the peoples of El Estor. Mining operations also increased land insecurity for most Q'eqchi' peoples in the region. The continued conflicts perpetrated by Skye and Goldcorp's presence (among several other Canadian companies)—and their mining practices—and Maya communities demonstrates the ongoing disregard and repression of indigenous rights by the Guatemalan Government and the Government's obvious desire to pursue neoliberal development in the country's drive to democratize and integrate into the global market economy.

## 7.0 Acknowledgements

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## 9.0 Interviews & Meetings

### 2004

In 2004, we participated in many community meetings in Guatemala, including meetings with the Centre for Human Rights Legal Action (CALDH), the Guatemalan Forensic Anthropology Foundation (FAFG), the Association for the Integral Development of the Victims of Violence, Maya-Achi (ADIVIMA), AEPDI, the Guatemalan subsidiary of INCO - *Exploraciones y Explotaciones Mineras Izabal* (EXMIBAL), the Campesino Committee of the Highlands (CCDA), and the Canadian Ambassador to Guatemala, James Lambert. These meetings provide the basis of our primary source material. Those cited in the paper include the following:

- Chichipate Community Association (May 17, 2004). Chichipate, El Estor, Guatemala
- Chub, R. (May 17, 2004). Mayor of El Estor, Guatemala
- EXMIBAL Representatives (May 17, 2004). INCO/EXMIBAL Mine Site, El Estor, Guatemala
- Lambert, J. (May 26, 2004). Canadian Ambassador to Guatemala, Guatemala City, Guatemala
- Vogt, D. (May 16 & 17, 2004). Co-founder, *Asociación Estoreña Para el Desarrollo Integral*/El Estor Integral Development Association (AEPDI), El Estor, Guatemala

### 2006

In 2004, Catherine Nolin returned to Guatemala and participated in several community & organizational meetings, including those with the *Colectivo Madre Selva*, the National Coordination of Widows (CONAVIGUA), Communitarian Studies and Psychosocial Action Team (ECAP), the FAFG, Fundación Nueva Esperanza/New Hope Foundation (FNE), the AEPDI, representatives of *Compañía Guatemalteca de Niquel* / Guatemalan Nickel Company (CGN), the Campesino Committee of the Highlands (CCDA), and the new Canadian Ambassador to

Guatemala, Kenneth Cook. These meetings provide the basis of our primary source material. Those cited in the paper include the following:

AEPDI/Defensoría Q'eqchi' Mining Summit (August 4, 2006). El Estor, Guatemala

Cook, K. (August 1, 2006). Canadian Ambassador to Guatemala, Guatemala City, Guatemala

Chichipate Community Association (August 3, 2006). Chichipate, El Estor, Guatemala

Guilbeault, M. (August 16, 2006). Political Counsellor, Canadian Embassy, Guatemala City, Guatemala

Skye/CGN Representatives (August 3, 2006), Fenix Mine Site, El Estor, Guatemala

Vogt, D. (August 2-4, 2006). Co-founder, AEPDI, El Estor, Guatemala

## **2008**

In 2008, Catherine Nolin returned to Guatemala to participate in community & organizational meetings, including the following: Comunidad Indígena Xinca of Jutiapa, the COCODE of Río Negro, the COCODE of Barrio Revolución, the COCODE of Lote 9, the FAFG, Fundación Nueva Esperanza/New Hope Foundation (FNE), the AEPDI, representatives of *Montana Exploradora* / Goldcorp, SABIA (Forum for Ecological Thinking), Association for the Integral Development of San Miguel (ADISMI), representatives of the Pastoral Commission-Peace and Ecology (COPAE), and a return meeting to the Canadian Ambassador to Guatemala, Kenneth Cook. These meetings provide the basis of our primary source material.

Barrio Revolución Community Association (May 7, 2008), Barrio Revolución, El Estor, Guatemala

Cook, K. (May 5, 2008). Canadian Ambassador to Guatemala, Guatemala City, Guatemala

Gijón, Fr. Helio, Pastoral Commission-Peace and Ecology (COPAE) (May 14, 2008), Comitancillo, San Marcos, Guatemala

Rey Rosa, Magali (SABIA) (May 5, 2008), Guatemala City, Guatemala

Vogt, D. (May 6 & 8, 2008). Co-founder, AEPDI, El Estor, Guatemala