

Ore & building  
materials extraction

## Keywords

- > Gold
- > Silver
- > Goldcorp
- > Communitarian consultations
- > Convention 169
- > Public health

## Introduction

Marlin is an open pit mine in northern Guatemala, in the municipalities of San Miguel de Ixtahuacan and Sipacapa that have a joint population of approximately 70,000. Previously owned by Montana Exploradora de Guatemala S.A., it is now the property of Canadian company Goldcorp.

After years of resistance, and despite the fact that the closure of the mine was once announced, production increased in 2011 and 2012 (to over 350,000 ounces of gold annually) and the company is expanding to nearby areas.

## Background

The mining fields were discovered in 1998 by Montana Exploradora S.A. In 2000, the project was bought by the Francisco Gold Corporation. In July 2002, the Canadian company Glamis Gold merged with Goldcorp and bought the whole project.

In October 2004, the World Bank loaned USD 45 million to support the project, without taking into account the lack of a consultation process, as required by the Convention 169 on the rights of indigenous and tribal people of the International Labour Organisation (ILO 169). That same year, communities began to oppose the mining concessions due to their environmental risks. Operations commenced in October 2005.

## Project

This is a medium-sized project located in a high-altitude region where several water sources are threatened by mining activities. The main activity of the area has always been agriculture; traditionally mining activities did not exist.

In the original feasibility studies by Glamis Gold, gold reserves were estimated at 1.4 million ounces. Marlin is a combined open pit and underground mine. Through cyanide leaching, a solution that contains gold and silver is obtained and then processed in an *in situ* refinery before being melted to form gold bars.



High voltage power lines close to homes raise health concerns.  
Source: De Guate, 2008.

Since 2006, the company has extracted 250,000 ounces of gold and more than 3.5 million ounces of silver annually. The open pit mine is 800 metres (2,624 feet) in diameter and 250 metres (820 feet) deep.

The project is located in an area that covers 2.5 square kilometres (0.96 square miles). Daily, trucks transport 4,000 tons of rock to be crushed in the processing plant. The Marlin mine has been operated as both an open pit and an underground mine.

## Impacts

The primary impact of the Marlin mine is water and health problems. In May 2010, a University of Michigan study showed that people who lived close to the mine had higher levels of lead, mercury, arsenic, zinc and copper in their urine. In October 2010, Wauw, Evens and Machiels from Ghent University in Belgium found concentrations of arsenic above potable water standards in several layers of underground waters close to the mine. These facts were recognised in 2010 by the Inter-American Court of Human Rights (IACHR) (Comisión Pastoral Paz y Ecología, 2012).

Over the years, the project has had certain indirect consequences in addition to the direct damage caused by contamination, water consumption and tons of suspended dust particles. For instance, transport trucks have caused the walls of people's homes to crack, affecting some 14,000 people in the vicinity. Although this has been ongoing since the mining operations began, such facts are dismissed by the company.





Marlin Mine in Guatemala

Source: *The Dominion – News from the grassroots, Goldcorp: Occupation and resistance in Guatemala (and beyond)*, 21 June 2008. [dominionpaper.ca/weblogs/dawn/1887](http://dominionpaper.ca/weblogs/dawn/1887)

Finally, since the mine was built, an increase in crime, drug addiction, alcoholism, prostitution and offensive behaviours have been identified in San Miguel Ixtahuacán and nearby smaller communities (Comisión Pastoral Paz y Ecología, 2012).

### Conflict

Opposition has been firm since 2004, with demonstrations and roadblocks in 2005 in San Miguel Ixtahuacán.

The first community consultation was organised in Sipacapa, where the people confirmed their total opposition to mining activities. Since then, 58 community consultations have been held regarding the granting of exploration and exploitation licences. The decision in all cases has been a resounding “no” to mining operations. Due to their effectiveness, other community consultations have been organised in municipalities where Marlin plans to expand its activities (Comisión Pastoral Paz y Ecología, 2012).

One of the most important claims is that the rights of communities to prior, free and informed consent have been violated. This right is protected by the International Labour Organization (ILO). ILO Convention 169, ratified by Guatemala, demands that indigenous people be consulted in relation to mining issues that affect them, and enjoy the

opportunity to participate in development projects and policy formulation processes that affect them with free and prior knowledge.

In 2009, the ILO stated, “the Guatemalan State is in violation of Convention 169 in terms of respecting protected areas and the community consultations organised by communities affected by mining explorations and exploitations” (Verhaert, 2010). In addition, it demanded that the government suspend activities at Marlin.

Goldcorp has tried to drive a wedge between the people in the area who are opposed to exploitation. It has offered money to communities, causing an increase in clashes, divisions and conflicts. In addition, ever since the arrival of the mining company, militarisation and repression have become a daily reality in the lives of the locals. This has created tensions and strong mistrust in the area (Mining Watch Canada, 2006).

People from the opposition and their families have registered acts of violence from State officials and the company’s private security.

Furthermore, two assassinations - a member of the indigenous community and a schoolteacher - have been carried out in relation to the Marlin mine: Raúl Castro Bocel was killed by the police in Sololá and Alvaro Benigno Sánchez by a private security agent from the Golan



Location of Sipacapa in Guatemala

Group, contracted by Glamis Gold in San Marcos (Mining Watch Canada, 2006). Similarly, Antonia Hernández Diodora Cinto, member of the resistance against human rights violations by Montana, was shot in her house on 8 July 2010 (Observatorio Petrolero Sur, 2010). According to the community, there have also been several cases of rape by mine workers. However, they have not been reported because of the dominant climate of fear.

On top of everything else, the population is being harassed. There are arrest warrants against eight women who opposed the installation of high voltage power lines on their property in 2005, and interrupted power supply to the mine (De Guate, 2008).

Wendy Mendez, member of Hijos e Hijas por la Identidad y la Justicia, contra el Olvido y el Silencio (HIJOS Children for Identity and Justice against Silence and Oblivion) states, “The criminalization of the social struggles is felt again in several organised communities, in the same way as during the internal armed conflict” (De Guate, 2008).

### Consequences of the conflict

As mentioned above, the conflict promoted the organisation of community consultations regarding the mining operations. Several consultations in other areas of Guatemala have also been organised: six in San Marcos and 14 in Huehuetenango. Mining activities were rejected by popular vote at all of them (Comisión Pastoral Paz y Ecología, 2012).

On 20 May 2010, the IACHR of the Organisation of American States issued protection measures that demanded the Guatemalan State suspend mining activities in Marlin to prevent possible health impacts, and protect the

communities’ access to water. In addition, the government was asked to take immediate measures to protect the lives of community members in the municipalities of San Miguel Ixtahuacán and Sipacapa.

The government’s response was rather ambiguous. On 23 June 2010, the government of Alvaro Colom announced its commitment to comply with the protection measures and suspend mining operations in Marlin until the IACHR expressed its opinion on the petition filed by the communities. However, Vice President Rafael Espada stated that government studies had found no evidence to support the allegations: “We won’t allow our people to be harmed, but at the same time we will respect industries and investments”.

On 9 December 2011, the IACHR modified the protection measures and rescinded its requests concerning the suspension of operations at the Marlin mine, decontamination of water sources, and the need to address health issues. Instead, it requested the Guatemalan State adopt measures to ensure that communities had access to adequate and quality sources of water for domestic use and irrigation. However, these modifications did not affect the main petition that is now being reviewed by the IACHR, which states that the government did not obtain free, prior and informed consent from the communities before authorising the operations at Marlin (Central American Data, 2010).

In July 2012, an international opinion tribunal was held with the support of world-renowned experts such as Robert Goodland (formerly employed by the World Bank) where Goldcorp was condemned for the damage caused to people’s health in Marlin (and in other mines in Central America).

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Technical closure and environmental recovery would include rehabilitation of the sites where minerals were extracted and processed, and well-structured planning to recover the sites so they may be used in agricultural, livestock, forestry, tourism, conservation or recreational activities (Comisión Pastoral Paz y Ecología, 2012). In spite of recent events, the Marlin mine continued to contaminate the area and Goldcorp is planned to extend its activities to the Sipacapa region.

It does not seem that the project will be stopped. In March 2013, the Constitutional Court rejected an appeal of the *Consejo del Pueblo Maya de Occidente* (CPO), an indigenous council that sued against the current mining law because of the lack of respect for indigenous rights to free, previous, informed consent.

The network 'Goldcorp out of Guatemala' (<http://goldcorpoutofguatemala.com>) permanently denounces violation of fundamental human rights in Guatemala's western highlights by mining activities, included the Marlin mine.

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