

# URGENT ACTION

## GUATEMALAN COMMUNITIES THREATENED BY MINING

**Before 11 January 2012, Guatemala's minister responsible for mining must decide whether to allow a mine in Santa Rosa department, southeastern Guatemala, to begin extracting metals and minerals. Local communities have not been consulted about the plans.**

The company planning to carry out the mining, Minera San Rafael S.A., is a subsidiary of Canadian company Tahoe Resources Inc. They already have a licence to explore the site, located in the municipality of San Rafael Las Flores. However, while this licence must be renewed after two years, the licence for exploitation, needed for extracting materials from the mine, is granted for 25 years. Those living next to the mine were not consulted before the exploration licence was granted, in breach of Guatemala's obligations under international law. In addition, the communities and environmental organizations have been unable to see the Environmental Impact Assessment that was reportedly prepared to support the company's application for the exploitation licence. On 1 December, environmental organization MadreSelva filed a freedom of information request with the Ministry of the Environment and Natural Resources in order to gain access to this assessment.

Many of those living close to the mine make their living by selling crops. There is concern that the processes used in mining, which may involve the use of cyanide and other toxic chemicals, could lead to the pollution of the water they use to water their crops. Residents have told Amnesty International that one company has already expressed concern about continuing to buy their crops if the mining goes ahead at the proposed site.

On 29 November, the Ministry of Energy and Mines (MEM) published an official notice in the Diario de Centroamerica (the official state newspaper) and the national newspaper Nuestro Diario, announcing the request to approve the exploitation licence. Neither of these newspapers is distributed in the department of Santa Rosa. The MEM has 30 working days from the publication of the notice to approve the licence.

**Please send appeals to arrive as quickly as possible, in Spanish or your own language:**

- Expressing concern that the authorities have not consulted with the communities likely to be impacted by the operation of the mine in the department of Santa Rosa.
- Requesting that no exploitation license be granted to Tahoe Resources Inc. until there has been full disclosure of relevant information and a meaningful consultation with those potentially affected has taken place.
- Calling for assurances that the consultation on this mining project and future mining projects will allow for a careful examination of the impact on communities affected, in a manner that means the communities can participate effectively, and determine their free, prior and informed consent.

**PLEASE SEND APPEALS BEFORE 11 JANUARY 2012 TO:**

Minister for Energy and Mines  
Alfredo Pokus Yaquian  
Ministerio de Energia y Minas  
Diagonal 17 29-78, zona 11,  
Colonia Las Carchas  
Guatemala City  
GUATEMALA  
Fax: +502 2476 3175  
Salutation: Dear Minister/Estimado  
Sr.Ministro

Minister for Environment and Natural Resources  
Dr. Luis Zurita Tablada  
Ministerio de Ambiente y Recursos Naturales  
20 calle 28-58 zona 10, Guatemala City  
GUATEMALA  
Email:  
ministro.ambientern@marn.gob.gt  
Salutation: Dear Minister/Estimado  
Sr.Ministro

**Copies to:**  
Environmental organization  
MADRESELVA.  
Colectivo MadreSelva  
6a avenida 2-60 zona 2  
Guatemala City  
GUATEMALA  
Email:  
colectivomadreselva@gmail.com

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

The failure of the Guatemalan authorities to ensure meaningful consultation of local communities prior to the granting of mineral exploration or exploitation licences has been noted in recent years. The UN Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples noted after a visit to Guatemala in June 2010 that he had received allegations that on many occasions the Guatemalan government had granted licences for the exploitation of natural resources in Indigenous territories without the necessary consultations with local Indigenous Peoples.

Impact assessments should seek to identify and address adverse human rights impacts on the basis of consultation with those potentially affected, they should be made available sufficiently in advance to those potentially affected to allow for a careful examination of its contents, in a manner and through mediums that fully respect the principles of accessibility of information and non-discrimination so that the local community can participate effectively and give their free, prior and informed consent.

Concerns over the failure of the authorities to protect the human rights of communities impacted by mine operations led the Inter-American Commission on Human Rights (IACHR), an inter-governmental body, to call on Guatemala to suspend operation of the Marlin mine in western Guatemala in May 2010. The IACHR also requested that Guatemala implement measures to prevent environmental contamination until the Commission reached a final decision on a petition presented by local communities. On 23 June 2010, the Guatemalan government announced that they would comply with the IACHR request to suspend the mining operations, but added the next day that this would take some time as legal and administrative processes would have to be followed. The mining company's operations continue to date.

Under international law, including the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP), voted for by Guatemala, and the International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, ratified by Guatemala in 1996, Guatemala has a duty to consult Indigenous Peoples concerning investment projects. This includes projects involving the exploration or exploitation of natural resources in their territories.

In addition, under the International Covenant on Civil and Political Rights, to which Guatemala is a party, countries must ensure the right of all individuals and communities to participate in decisions that affect the realization of their human rights. For participation to be meaningful, people must be informed sufficiently in advance of the relevant decision-making process, and informed in a manner and in ways that fully respect the principles of accessibility of information and non-discrimination.

Name: Communities living near the mine in San Rafael Las Flores municipality, Santa Rosa department

Gender m/f: Both

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