

**BILINGUAL RESOURCE LIST:
CHRONOLOGY OF RECENT REPORTS AND DECLARATIONS**

September 2009: Marroquín University releases study on mining in Guatemala that includes the following statement:

“Por ejemplo, HudBay/CGN (Proyecto Fénix) tiene planificado invertir US\$1,100 millones para poner en funcionamiento la planta en El Estor. Asimismo, Cementos Progreso tiene planificado invertir U\$690 millones en San Juan Sacatepéquez, que incluye una nueva planta de cemento, más una carretera de ingreso de 14 km, para uso público. Por su lado, GoldCorp tiene planificado invertir US\$590 millones del 2010 al 2014 (US\$150 millones en la Mina Marlin, US\$ 200 millones en Cerro Blanco y US\$240 millones en el Escobal). Sin embargo, ejecutivos de GoldCorp han sido muy enfáticos en que dicha inversión no se realizará si las condiciones políticas no cambian y si no se muestra un claro interés por apoyar estas inversiones.”

Pages 49-50 of the following link: http://www.centralamericadata.com/docs/Mineria_en_Guatemala.pdf

October 22, 2009: The Transparency Commission headed by Guatemalan Congresswoman De Frade releases the conclusions of its fact-finding missions around the Marlin mine and Cementos Progreso in San Juan Sacatepéquez. The commission concludes that the MARN and other institutions must launch independent investigations to the allegations of water contamination and health harms around the mine, while confirming that the communities' right to consultation was violated. The commission also urges Guatemalan legislators to enact mining law reform and clear legislation around the role of the *consultas comunitarias* in Guatemala.

December 2009: COPAE, “La Consulta: “es una obligación del Estado; y un derecho colectivo de los Pueblos Indígenas de rango Constitucional”” (21 de Diciembre 2009 – Resumen del Fallo de la Corte de Constitucionalidad, expediente 3878-207), COPAE, Disponible: <http://resistencia-mineria.org/espanol/files/documents/ResumenSentenciaSI.pdf>

“La Corte de Constitucionalidad en su sentencia objeto del presente resumen, reafirma contundentemente que la consulta y todos los demás derechos regulados en el Convenio 169 de la Organización Internacional del Trabajo (OIT), tienen igual jerarquía constitucional, es decir, pasan a formar parte del listado de los derechos humanos regulados en los artículo del 1º. al 149 de la Constitución Política de la República de Guatemala, doctrinariamente llamada parte Dogmática. Por lo tanto, todas las licencias de reconocimiento, exploración y explotación minera y las licencias de hidroeléctricas otorgadas por el Ministerio de Energía y Minas sin consulta, son ilegales y arbitrarias por violar el derecho constitucional de consulta, y consecuentemente todos los demás derechos colectivos e individuales reconocidos en la constitución política de la república y los convenios internacionales ratificados por Guatemala en materia de Derechos Humanos.” P. 2

December 2009: The Center for International Environmental Law CIEL, “Specific Instance Complaint Submitted to the Canadian National Contact Point Pursuant to the OECD Guidelines for Multinational Enterprises, Concerning the Operations of Goldcorp Inc. at the Marlin Mine in the Indigenous Community of San Miguel Ixtahuacán, Guatemala” (December 2009), CIEL, Available at: http://www.ciel.org/Publications/FREDEMI_SpecificInstanceComplaint_December%202009.pdf

February 2010: International Labor Organization (I.L.O.), “Report of the Committee of Experts on the Application of Conventions and Recommendations” (February 24 2010), I.L.O., Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_123424.pdf

Regarding the mining licenses granted to Montana Exploradora – Goldcorp Inc. in San Marcos, “*The Committee drew the Government’s attention to the fact that these risks should be subject to prior consultation under Article 15(2) of the Convention, as well as the studies provided for in Article 7(3) of the Convention. Consequently, the Committee, noting that the Government’s report reiterates the information provided previously, expresses its concern regarding the lack of progress in the case under examination and urges the Government to suspend the exploitation in question until the studies provided for in Article 7(3) of the Convention and the prior consultation provided for in Article 15(2) of the Convention can be carried out, and to provide detailed information in this regard. Furthermore, the Committee asks the Government to take the measures necessary to shed light on the incident in which a villager died in the course of a demonstration against the installation of a cylinder for the mine and requests it to provide detailed information in this respect.*” P. 770

March 2010: Comité para la eliminación de la discriminación racial –CERD–, “Examen de los informes presentados por los Estados partes de conformidad con el artículo 9 de la Convención” (17 de marzo del 2010), ONU, Disponible: <http://www2.ohchr.org/tbrucerd/CERD-C-GTM-CO-13.pdf>

“El Comité reitera su preocupación porque el Estado parte sigue permitiendo el despojo de las tierras históricamente propiedad de los pueblos indígenas aunque éstas se encuentren debidamente inscritas en los registros públicos correspondientes y porque, en la práctica, el derecho de los pueblos indígenas a ser consultados antes de que se proceda a la explotación de los recursos naturales en sus territorios, no se respeta plenamente. Preocupa igualmente al Comité, que el Estado parte no reconoce en la legislación interna las formas tradicionales de tenencia y posesión de la tierra, ni toma las medidas administrativas necesarias para garantizar estas formas de tenencia (artículo 5 (d) (v)).” P. 4

May 2010: Physicians for Human Rights, “Toxic Metals and Indigenous Peoples near the Marlin Mine in Western Guatemala, Potential Exposures and Impacts on Health” (May 2010), PHR, Available at: <http://physiciansforhumanrights.org/library/documents/reports/guatemala-toxic-metals.pdf>

“Environmental health scientists from the University of Michigan find that a sample of Guatemalans who live near a controversial gold and silver mine in the country’s western highlands have higher levels of potentially toxic heavy metals in their urine and blood than a sample of residents who live farther from the mine.” – Press release available at: <http://physiciansforhumanrights.org/library/news-2010-05-18-english.html>

May 2010: The Inter-American Commission on Human Rights, “Precautionary Measures 260-07 – Communities of the Maya People (Sipakepense and Mam) of the Sipacapa and San Miguel Ixtahuacán Municipalities in the Department of San Marcos, Guatemala” IACHR, Available at: <http://www.cidh.oas.org/medidas/2010.eng.htm>

“On May 20, 2010, the IACHR granted precautionary measures for the members of 18 communities of the Maya indigenous people [...] in Guatemala. The request for precautionary measures alleges that in November 2003, the Ministry of Energy and Mines granted the Montana company a license to mine for gold and silver for 25 years, within an area of 20 square kilometers in the municipalities of Sipacapa and San Miguel Ixtahuacán. The concession’s environmental and hydrological impact area would encompass the territories of at least 18 communities of the Maya people in both municipalities. The petitioners allege that the mining concession was issued and mining began without the prior, complete, free, and informed consultation of the affected communities of the Maya people. Montana reportedly began constructing the Marlin I Mine in 2003 and extracting gold and silver in 2005. [...] The Inter-American Commission asked the State of Guatemala to suspend mining of the Marlin I project and other activities related to the concession granted to the company Goldcorp/Montana Exploradora de Guatemala S.A., and to implement effective measures to prevent environmental contamination, until such time as the Inter-American Commission on Human Rights adopts a decision on the merits of the petition associated with this request for precautionary measures.” <http://www.cidh.oas.org/medidas/2010.eng.htm>