Conflit Factsheet

Marlin Mine Conflict in Guatemala

<table>
<thead>
<tr>
<th>Type of conflict</th>
<th>Intensity</th>
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<tbody>
<tr>
<td>Main</td>
<td>1</td>
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<thead>
<tr>
<th>Conflict Locality</th>
<th>Time</th>
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<tr>
<td>Central America</td>
<td>2004 –ongoing</td>
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<thead>
<tr>
<th>Countries</th>
<th>Resources</th>
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<tr>
<td>Guatemala</td>
<td>Water</td>
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Conflict Summary

Marlin mine, owned by the Montana Exploradora de Guatemala S.A. company, a subsidiary of Goldcorp Inc. of Vancouver, Canada, is located on Guatemala’s western high plateau. The Marlin mine has been controversial since it was built in 2004, and the Mayan population has denounced its alleged human rights abuses and socio-environmental damages since 2007, including isolated cases of violence (On Common Ground Consultants, 2010; COPAE 2011). Despite a pronouncement by the Inter-American Human Rights Commission (IHRC) to the Guatemalan Government, recommending suspension of these mining activities, they continue to this day.
Conceptual Model

- **Social and Economic Drivers**
  - Economic Development

- **Environmental Change**
  - Pollution / Environmental Degradation
  - Increased Water Scarcity

- **Intermediary Mechanisms**
  - Change in Access / Availability of Natural Resources

- **Fragility and Conflict Risks**
  - Resources Grievances between Societal Groups
  - Anti-State Grievances

**Context Factors**

- Water
Conflict History

Marlin Mine is in San Miguel Ixtahuacán and part of Sipacapa, San Marcos department. The Ministry of Energy and Mines of Guatemala issued the mining license to develop and operate the Marlin Project on 27th of November 2003. The project began its construction phase in the second quarter of 2004 and concluded in the third quarter of 2005. Production of gold and silver began the fourth quarter of that year. Marlin Mine has operated through Montana Exploradora de Guatemala, a subsidiary of Goldcorp, since 2009, a Canadian company.

Precautionary measures granted by the IHRC

In May 2010, the Inter-American Human Rights Court (IHRC) granted precautionary measures to the members of 18 Mayan indigenous communities affected by the mining activities of the Marlin mine. The IHRC requested the Guatemalan government to suspend the mining activities until the IHRC would make a final decision respecting the lawsuit of the communities. The application for precautionary measures states that in November 2003, the Ministry of Energy and Mines granted a gold and silver mining license for 25 years to the Montana Company. Applicants state that the mining concession and the beginning of extraction involved no free, well-informed, full prior consultation with the Mayan communities. The Mayan communities also complained about the pollution of the water sources.

Lack of consultation

In 2011, the United Nations Special Rapporteur on the rights of indigenous peoples concluded that, in the case of the Marlin Mine, no consultation had been conducted pursuant to applicable international standards such as the UN Declaration on the Rights of Indigenous Peoples. Among other factors, the Rapporteur criticized the Guatemalan Government’s non-involvement in the company’s "consultation" processes and its failure to ensure independent supervision of the consultation (On Common Ground Consultants, 2010).

IHRC’s push to guarantee access to clean water

In December 2011, after examining the additional information contributed by the government and the petitioners, the IHRC notified its decision to modify these precautionary measures and asked the Guatemalan Government to adopt the necessary measures to ensure that members of the 18 Mayan beneficiary communities have access to safe water supply for human consumption, domestic use and irrigation, and that water sources are not polluted by the mining activities.

Water pollution

The Peace and Ecology Pastoral Commission (COPAE) of the Diocese of San Marcos, in its reports on monitoring activities, highlighted the high concentrations of copper, aluminum, manganese and arsenic, as well as nitrates in the rivers, concluding that mining operations are worsening the quality of these waters; this agrees with the findings of a parallel study by the University of San Carlos de Guatemala (COPAE, 2010).

A smoldering conflict

Nevertheless, the mine continues operating and the conflicts continue smoldering. Up to 2011, several violent events had occurred regarding Marlin Mine operations and the local people’s opposition (Mining
Watch, 2011; Amnesty International, 2011). In June 2014, the IHRC decided that the facts denounced in 2007 may violate rights protected by the Inter-American Convention on Human Rights. The IHRC considered that the Court of Constitutionality confirmed the validity of the consultation implemented by Montana Exploradora de Guatemala S.A. in Sipacapa on 18 June 2005 under Guatemalan law, despite a negative community decision about operation of the Marlin Mine, and the Guatemalan Government providing no answers to the outcome of the community consultation.

Resolution Efforts

Public protests and legal actions
The modes of conflict resolution in this case have been primary strikes and demonstrations by the local population opposing mining activity and appealing to national and international public opinion. It has also been fundamental to appeal to judicial authorities, especially international human rights bodies, specifically the IHRC and the Special Rapporteur on the Rights of Indigenous Peoples, obtaining significant legal backing for the local people’s defense of their rights.

Violence and intimidation
There have been isolated cases of violence and intimidation by private security teams hired by the Montana Company (On Common Ground Consultant, 2010; Amnesty International, 2014). In a press release responding to the publication by Amnesty International, the company answers the accusations by claiming progress in its community relations.

National dialogue
Among others, they mention an Agreement on Additional Voluntary Royalties, studies, weekly visits by the communities to the company and their participation in a national dialogue established by the Government of Guatemala since December 2010. Yet, the dialogue did not decrease the tensions on a local level (Amnesty International, 2014).
### Intensities & Influences

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<tbody>
<tr>
<td><strong>INTENSITIES</strong></td>
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<td>International / Geopolitical Intensity</td>
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<td><strong>INFLUENCES</strong></td>
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<td>Environmental Influences</td>
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<td>Societal Influences</td>
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### Resolution Success

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<tr>
<td>Reduction in geographical scope</td>
<td>There has been no reduction in geographical scope.</td>
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<tr>
<td>Increased capacity to address grievance in the future</td>
<td>There is no increased capacity to address grievances in the future.</td>
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<td>Grievance Resolution</td>
<td>Grievances have been mostly ignored.</td>
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<td>Causal Attribution of Decrease in Conflict Intensity</td>
<td>There has been no reduction in intensity</td>
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Entry Points for Resilience and Peace Building

Dialogue
A national dialogue established by the Guatemalan government since 2010 has included the participation of the Montana Company. Yet, the dialogue did not decrease the tensions on a local level.

Mediation & arbitration
Local communities opposing mining activity have appealed to international human rights bodies such as the IHRC and the Special Rapporteur on the Rights of Indigenous Peoples. Consequently, significant legal backing for the local people’s defense of their rights has been obtained.

Social inclusion & empowerment
Prior consultation with local communities is required during the planning of mining projects as prescribed by international standards on indigenous rights. However, this requirement was not upheld.

Resources and Materials

References with URL
COPAE, Comisión Pastoral Paz y Ecología (2010). Tercer Informe anual del monitoreo y análisis de calidad del agua. "Situación actual del agua de los ríos Tzalá y Quivichil en el área de influencia de la Mina Marlin".
Mining Watch (2011). Violencia subraya la necesidad para una suspensión temporaria de la mina Marlin de Goldcorp.

Further information