



# MiningWatch Canada

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## Mines Alerte

### Newsletter

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#### MiningWatch Board Meets in Yellowknife

The Board of Directors of MiningWatch Canada met in Yellowknife, Northwest Territories, on October 1 to 3. The meeting included a tour of the closed Giant Mine and presentations from the Independent Environmental Monitoring Agency, CPAWS (Canadian Parks and Wilderness Society, NWT Chapter), and the Public Service Alliance of Canada (PSAC). Bringing our Board members from around the country to the NWT was a fine experience for the Board and our hosts.

The meeting was organised by Board Chair Kevin O'Reilly, who is also a researcher with the Canadian Arctic Resources Committee and a member of the Yellowknife City Council.

After 50 years of mining gold, the **Giant Mine** has left a legacy of 237,000 tonnes of arsenic trioxide stored underground and a huge surface area of tailings, waste rock and infrastructure, contaminated not only with arsenic and heavy metals but with asbestos insulation and cladding. Since Royal Oak abandoned it, the Department of Indian and Northern Affairs is responsible for cleaning up and controlling the hazards at the site. They have determined that the best solution is to freeze forever the arsenic trioxide and surrounding rock in the underground chambers where it is stored. The cleanup of the surface is a whole other problem. See <http://nwt.inac.gc.ca/giant> for information about the plan.

The **Independent Environmental Monitoring Agency** was established in an Environmental Agreement with First Nations in 1996 when the Ekati mine was approved. Carole Mills of the Agency pre-



Armed paramilitary at TVI Pacific check point, Siocon, Philippines. C. Coumans photo.

sented their work monitoring the growing footprint of the mine and reporting their findings to the public. As the Ekati diamond mine has expanded to eight separate pits, the waste rock and processed kimberlite piles have expanded enormously, and there have been unexpected environmental effects. The Bathurst caribou herd has shrunk by 50% — although there is no way to link this with the mine itself, and it is probably related to cumulative assaults on the environment in the North, including climate change, toxics drifts from the South, and mining and oil and gas exploration.

The Monitoring Agency's web site is [www.monitoringagency.net](http://www.monitoringagency.net)

The threat to Nahanni National Park Reserve from the Prairie Creek and Cantung mines was presented by Greg Yeoman and Jennifer Morin of CPAWS-NT. Information about these two mines can be found on our web site.

## *Yukon Pushes Weakened Reclamation Policy*

In the Yukon, there are 120 mines that have been abandoned by their owners, of which 45 have serious toxic and physical stability problems. (At present, placer mining is the only mining activity in the Yukon.) The costs of cleaning up these sites is estimated at over \$400 million. Despite this overwhelming evidence, the Yukon government is still considering a reclamation policy that allows financially questionable mines to go ahead instead of protecting taxpayers and the environment from the huge costs of abandonment.

First Nations and environmental groups in the Yukon are raising alarms about the draft reclamation policy. The federal government has indicated that the policy will be based on the same principles and standards as the NWT and Nunavut policies, which have no link to regulation. However, in the Yukon, the policy must "harmonise" with the regulatory requirements of the Yukon Quartz Mine Act and the Yukon Placer Mining Act.

A union has been formed at the Ekati Mine. PSAC Diamond Workers Local 3050 has been certified after a long organising drive, and is now negotiating its first contract. This is the first union at a diamond mine in Canada. Information about the union can be found at [www.diamondworkers.org](http://www.diamondworkers.org).

The Yukon, Nunavut, and NWT policies are only policies and are not enshrined in law and regulation. As we have seen with the Cantung and Prairie Creek mines, mines can still operate without reclamation bonds of any kind.

The proposed Yukon Reclamation Code will not apply to prospecting and exploration, nor existing mines. There is nothing in the policy criteria about full cost recovery, public participation, or protection of public health and environment

Although there is a reference to technical guidelines in the document, the guidelines are nowhere to be found, and instead references are made to "current standards and practices", with no indication of who will define them. The Code also recommends an "exit ticket" for final closure and decommissioning, despite the need to monitor and treat effluents in perpetuity.

MiningWatch Canada will be working with Yukon groups to ensure that any new reclamation policy protects people and the environment.

## *Kemess: British Columbia First Nations Organise to Protect Amazay (Duncan Lake) from Mine Waste*

Five First Nations in BC have won agreement from Northgate Minerals that it will not mine without First Nations approval. They are also demanding that any environmental assessment of the project be done by a tri-partite panel, including First Nations as equal representatives with federal and provincial governments.

Northgate Minerals Corporation has applied for a permit to open a new gold and copper mine (Kemess North) in the Omineca Mountain range in north-central British Columbia, adjacent to their existing Kemess South mine.

As part of its application the company is proposing to dam a pristine, high-elevation lake, in addition to dumping into it 750 million tons of tailings and waste rock. The Sustu'dene (also known as the Bear Lake people) call this lake "Amazay," though it appears on the map as Duncan Lake.

There are five Aboriginal groups with interests in this area: Fort Connelly First Nation (Bear Lake people), Gitksan House of Nii Kyap, Kwadacha First Nation, Takla Lake First Nation, and Tsay Keh Dene First Nation. They have used the land in and around the area in question for countless generations. All of them are involved in the BC treaty process.

These five groups have united in order to challenge the proposed use of Amazay (Duncan Lake) as a dump. This would effectively result in the complete annihilation of all aquatic life in the lake, in addition to drastically altering a fragile high-elevation ecosystem.

In January, 2004, the company proposed 16 options for waste rock and tailings storage but stated the only economically feasible option was to use Amazay (Duncan Lake) as a

dump. They continue to state that if they cannot use this lake they will walk away from their application.

The federal Department of Fisheries and Oceans (DFO) has a policy that prevents the destruction of fish habitat. Still, a federal order-in-council and Cabinet approval can circumvent this policy. Consequently, on March 16, 2004, the provincial minister for energy and mines, Richard Neufeld, lobbied the Fisheries minister to permit tailings and waste rock to be dumped into the lake.

Northgate's current mine, Kemess South, was opened in 1996. This mine resulted from a deal between the province and another mining company, Royal Oak Mines Inc. This deal saw the province expeditiously approving a mining permit for that company at Kemess Creek after it had revoked a permit in northwestern British Columbia in order to create Tatshenshini Park. In addition, the company was awarded a \$160 million compensation package. As a result of the province rushing the permitting process for this mine First Nations with interests in the area were not properly consulted or accommodated. In 2000, Northgate Minerals acquired the Kemess South mine.

The Kemess South mine is located 5 km south of the proposed Kemess North project and is the second largest in the country, annually excavating more material than all other gold and copper mines in Canada combined. It employs approximately 400 people. To avoid generating and leaching acid, the huge amounts of mine tailings and waste rock must be kept under water, so a dam was constructed to create a vast holding pond. The dam is the third largest in the world.

First Nations had protested that burial grounds were dis-

turbed during the construction of the mine and mill site. Kemess South has had an enormous impact on the land and should the Kemess North mine proceed the cumulative impacts will be that much greater.

*From a backgrounder prepared by Five Nations. For further comment please contact Justa Monk, 5 Nations spokesperson at (250) 961-3925 or for assistance contact Kevin Ward at (604) 314-4083.*

## Fisheries Act Regulations Under Review

On November 3-4, MiningWatch Canada took part in a two day workshop on the Metal Mining Effluent Regulations (MMER) sponsored by Environment Canada.

The meeting had two purposes: to update stakeholders on recent activities related to the MMER over the last two years, and to share perspectives on prospective amendments.

The proposed amendments are the result of Environment Canada trying to enforce the MMER for two years now. It is clear that there are a number of loopholes and small errors in that need to be fixed. Many of the proposed amendments address these problems. There are also some more serious and contentious areas, where Environment Canada expects a strong “push-back” from the industry. The devil, as they say, is always in the details. The meeting approved an Environment Canada request to set up a multi-stakeholder advisory group to work with them on the amendments, which they hope will go to Gazette I (preliminary publication for public review) by November 2005.

Seventy-three mining and milling facilities were subject to the MMER in 2003, with a total of 117 final discharge points (the point where the effluent leaves company property). It is notable that one facility had 8 final discharge points. Most had one. A facility is a stand-alone mine, mill or both and there can be several mines and mills with one final discharge point — for example, sharing a tailings pond. Twenty-eight of the facilities use cyanide in processing.

Transitional authorisations were granted in 2002 to give companies time to come into compliance. These authorisations expired on December 6, 2004. Companies can apply for an extension for a further 30 months, if they meet the criteria in the regulation — essentially to show they have been trying, and that only Total Suspended Solids (TSS) is not in compliance. They cannot get an extension for any other reason. Only three have applied for an extension: Iron Ore Canada and Wabush (both in Labrador) and the Konuto Mine in Saskatchewan (Hudson Bay Mining and Smelting).

We were presented with a performance summary that showed there had been 96 exceedances of the limits in 2003. The data may be questionable, as a number of companies did not report, and a majority reported incorrectly. There were 1009 tests for acute lethality in rainbow trout and 63 facilities had greater than 50% mortality. Ninety-one had greater than 50% mortality on *daphnia magna* (water fleas).

The Environmental Effects Monitoring (EEM) process is

still getting underway and will not produce results until June 2005.

There have been 134 on-site inspections since the current regulations came into effect on December 6, 2002. They resulted in nine investigations and nine directives issued (informing the company of the problem and giving them time to correct it). None of them have gone to court, although in nine cases there are charges pending.

There are a number of areas of potential concern as the MMER gets debated further:

1. The extension of the Transitional authorisations
2. The potential to add any other “Tailings Impoundment Areas”- permission to dump tailings and waste rock in waters with fish - to Schedule 2. They expect Kemess North and the Doris Mine in Nunavut to ask to be added this year.
3. Communicate information to the public relating to availability and where to find reports and data, thus avoiding costly Access to Information requests put forward by the public
4. Enforcement — adequate resources, laying of charges etc.
5. Industry desire for reduced sampling and reporting with “good behaviour”. This is dangerous as there is no reason to believe that mines behave better as they approach closure and decommissioning, and more reason to believe that their behaviour is tied to volatile commodity prices and ownership.
6. A redefinition of a “commercial operation” proposed by Environment Canada, which would consider a mine subject to the MMER at greater than 10% of the original designed production capacity, as opposed to the 25% that is currently in the Regulation. Mines that are not subject to the MMER fall under the much stricter “thou shalt not pollute” general provisions of the Fisheries Act (Section 36).
7. A directive from the Department of Justice to bring the MMER into line with the Pulp and Paper Effluent Regulations under the same section of the Fisheries Act.
8. Industry desire to “harmonise” with provincial and territorial regulations. This should only occur when other legislation provides a more stringent regulation or where it addresses a site-specific consideration.

## Victor Diamond Mine Undergoes Federal Environmental Assessment

MiningWatch has submitted comments on the Victor Diamond Mine Environmental Assessment. This huge project, on the traditional territory of Attawapiskat First Nation, is being proposed by DeBeers. It may drain and dry out over 1950 km<sup>2</sup> of muskeg, will dramatically affect flows an important fish-bearing river, and will have untold effects on the social, cul-

tural and economic life of the region.

Comments were also submitted by Mushkegowuk Tribal Council and Nishnawbe Aski Nation as well as the most of the affected communities.

Our comments are posted on the MiningWatch web site.



## Philippines-Canada Exchange on Controversial TVI Pacific Mine

In October, MiningWatch's Catherine Coumans visited communities affected by TVI Pacific's mine in the municipality of Siocon, on the Zamboanga peninsula of the southern Philippine island of Mindanao. Less than a week after her return to Canada, a delegation from Siocon arrived in Ottawa for a week of meetings in Ottawa and Toronto with government officials, church leaders, non-governmental organisations, Aboriginal organisations, Filipino-Canadians, and the media (see *press release* and *backgrounder* on their visit).

In spite of ten years of community opposition, TVI Pacific has persisted in its plans to mine gold and silver on the top of Mount Canatuan in the ancestral territory of the indigenous Subanon people. According to traditional leaders Catherine spoke to, known as Timuay, who can trace Subanon lineages back to the 17th century, Mount Canatuan is considered a sacred mountain and has held cultural significance for the Subanon for centuries. It is also the headwaters for the town's major rivers.

In addition to opposition from members of the local Subanon community, the mine also faces opposition from mem-

bers of Siocon's coastal Muslim fishing communities, who fish in the estuaries, from lowland rice farmers, who rely on irrigation from the rivers, and by fisher-farmers, who use river water in their fish hatcheries.



Paramilitary checkpoint. C. Coumans photo.

bers of Siocon's coastal Muslim fishing communities, who fish in the estuaries, from lowland rice farmers, who rely on irrigation from the rivers, and by fisher-farmers, who use river water in their fish hatcheries.

Members of each of these constituencies have recently joined together in the Save Siocon Paradise Movement. Mining actually started in May of this year, escalating existing tensions and exacerbating a history of violence around the project. TVI's mine is located in an area of such dangerous instability that the Canadian embassy has issued a travel advisory against travel by Canadians in the area.

In March, citizens of Siocon started a month-long protest on a public road in the town in an attempt to block the passage of heavy equipment that TVI intended to transport to start min-



Tree across the road blocking access to Canatuan. C. Coumans photo.

ing on Mt. Canatuan. The protesters had a legal permit from the municipality for their protest. While in Siocon, Catherine interviewed numerous Siocon residents who had taken part in the protest. According to eyewitnesses and participants, the protest was peaceful and was widely supported by the citizens of Siocon, who traded places and food with one another to keep the protest going for a month. Witnesses told Catherine that on March 17th one of TVI's heavy equipment vehicles advanced on the protesters to try to break through their lines. The people in the front row linked arms to stand firm against the machinery. When it was clear that they would not move aside, military and TVI paramilitary guards shot into the ground in front of the protesters. The bullets ricocheted and wounded four picketers.

This event, as well as ongoing requests from local organisations for involvement by MiningWatch Canada, led to Catherine's October visit. She was accompanied by two members of the Canadian church-based organisation KAIROS. The following are a few of the findings resulting from Catherine's visit to Siocon and its hamlet community of Canatuan.

- TVI's 1997 Environmental Compliance Certificate was issued under the condition (point 4) that: "The proponent shall maintain access roads and other public/private roads within the project site. Public roads shall be maintained open to allow the free flow of traffic..." TVI employs armed paramilitary guards known as Special Civilian Armed Auxiliaries (SCAA) who have been trained and armed by the Philippine military, but are actually employed by TVI. Catherine ran into five checkpoints set up by the SCAA between the town and the mine site. The first of these checkpoints is actually on a section of public road that is outside of



Washed out portion of road to Canatuan. C. Coumans photo.



TVI's concession. In spite of communications with the Canadian Embassy and with TVI officials, who provided TVI with information about the exact date of Catherine's trip to the mine site, lengthy delays at each checkpoint added hours to the trip. Furthermore, the road was also so badly maintained that a four wheel drive vehicle had to backtrack and take an alternate route due to blockage by a fallen tree, became stuck in deep mud, and had to leave the road to avoid a washed out section (see pictures). Finally, the most serious concern is that Catherine was told by residents of the hamlet of Canatuan, as well as others from the town of Siocon, that they have been systematically denied access to Canatuan (turned back at the first checkpoint) since the spring. In all cases these are individuals who have openly opposed the mine through peaceful means.

- TVI states in its literature that the company is mining in an environmentally responsible manner as evidenced by the fact that it is capturing siltation runoff from the mine in sandbag "siltation ponds" (see pictures on TVI's web site). These "siltation ponds"

are wholly inadequate and ill-maintained. Siltation from the mine site was freely entering the environment through ripped, sagging and non-existent sandbags (see picture).

- TVI states in its literature that the company's engineered waste impoundment (tailings pond) is state of the art. Catherine found that the first tailings pond (not shown on TVI's web site), which was only supplemented by a new one in October of this year, is clearly not an engineered waste disposal site as it has dead trees standing in the waste (see picture). It is from this impoundment that Catherine was told by a former mine worker and residents of the town of Siocon that waste has regularly leaked into the town's river system.



TVI tailings pond. C. Coumans photo.

## Report from Third International Women and Mining Conference in India

From October 1 to 9 MiningWatch's Catherine Coumans attended the Third International Women in Mining Conference in Visakhapatnam, Andra Pradesh, India. She made a brief presentation based on the research she has coordinated for MiningWatch Canada on women, mining and health in collaboration with Canadian women in West Labrador.

Catherine's presentation should appear soon on the web site of the Indian host organisation *mines, minerals & People*, where more information on the conference and its papers can also be found and a final statement from the conference will soon be posted. MiningWatch provided help with coordination and facilitation of the conference.

The conference also offered an excellent opportunity to meet separately and discuss ongoing collaborative work on Canadian mining projects in the Asia Pacific region with regional partners from Thailand, Papua New Guinea, Indonesia, the Philippines, Australia, Burma, and, of course, India.

### Urgent update on Alcan's Utkal project in India

Finally, a field trip organised as part of the conference took participants into tribal (adivasi) land in the mountains of Orissa state. Conference participants visited NALCO, Asia's largest existing bauxite mine and alumina refinery. Nearby, Canada's Alcan wants to mine and process bauxite into alumina at the proposed Utkal project. The mine would be located on tribal land in Kashipur in Orissa. The local tribal population has been strongly opposing this project for years. Three tribal villagers were shot to death by police on December 16, 2000. While in Orissa, Catherine met with tribal people and NGOs who expressed grave concern over Alcan's proposed project. MiningWatch is a member of "Alcan't in India", a campaign linking opponents to Alcan's project from India, Norway and Canada. During press conferences Catherine expressed MiningWatch Canada's solidarity with the struggle of the people of Orissa who are fighting this project.



TVI's leaking "siltation pond". C. Coumans photo.

Right now, tensions are very high in the area and tribal villages and protesters have again been brutally attacked in recent weeks. (see the recent *urgent action, public appeal, and Indymedia Kashipur Alert* on our web site for more information). Major rallies took place December 16th (the anniversary of the 2000 police killings). Local tribal leaders and NGOs have put out an urgent request for foreign observers and journalists to go to Kashipur to act as witnesses.

## *Taku River Tlingit Still Fighting for Land Use Plan*

### *Taku River Tlingit Supreme Court Decision Upholds Government Position but no “Comprehensive Go-Ahead” for Tulsequah Chief Project (from a press statement by the Taku River Tlingit First Nation (TRTFN))*

On November 18th, the Supreme Court of Canada rejected the Crown’s appeal in the Haida Nation case. At the same time, it ruled on the *Taku River Tlingit v. BC* case, upholding British Columbia’s appeal but rejecting as “impoverished” the Crown’s submission on its obligations to First Nations. The decision also created new duties for the BC and Canada in the assessment and permitting of the Tulsequah Chief mine and road proposal.

“The Court recognised some important standards for accommodation that we will be holding British Columbia and Canada to,” said John Ward, Spokesperson for the TRTFN. “We have always argued that Land Use Planning had to happen before this project goes ahead, and the decision supports that. We still believe that the way forward is through cooperation and dialogue and we ask that government and industry accept this ruling and our longstanding invitation to work constructively with us.”

The First Nation of less than 500 people from the far northwest corner of BC has been locked in a David and Goliath struggle with the combined forces of government and extractive industry since 1998.

The decision contradicts public statements by the mine proponent, Redfern Resources, by making it clear that “Issuance of a project approval certificate does not constitute a comprehensive “go-ahead” for all aspects of a project.” Redfern had been claiming that with its Project Approval Certifi-

cate, it had everything it needs to go ahead with the project. Both the Tlingit and Haida decisions made it clear that government has the lead responsibility to address First Nations concerns and that authority cannot be delegated to industry.

The decision has immediate bearing on the ongoing federal environmental assessment of the Tulsequah Chief mine and road proposal. That project still needs federal approval through the federal environmental screening process to proceed, and this decision confirms that Canada will have to demonstrably accommodate Taku River Tlingit concerns. The Justices acknowledged that “the potential for negative derivative impacts on the TRTFN’s [land] claim is high” so that burden of proof on Canada will be considerable.

“We’re going to continue to pressure Canada to live up to its obligations to uphold the constitutionally protected rights of First Nations and its commitment to sustainability under the Canadian Environmental Assessment Act,” said Ward. “The only way to create certainty for everyone is for government and industry to pull their heads out of the sand and recognise that First Nations aren’t going away. We will never be severed from our land and this decision doesn’t change that. The Taku River Tlingit Nation will continue to be the stewards of our Territory, like we always have been.”

Law firm Pape & Salter, which specialises in aboriginal rights law, has published a “plainspeak” summary of the decision, available on our web site.

## *Québec Asbestos Victims Address Tokyo Conference*

Roch Lanthier of the Asbestos Victims Association of Québec (AVAQ) presented at the Global Asbestos Conference in Tokyo November 19-21. He called for a new vision for asbestos producing areas of Québec, that would heal the damage caused by asbestos mining and would allow the economy to be changed in a manner similar to the World Bank-supported Eden Project.

In the asbestos region of Québec, there are over thirty enormous tailings piles in an inhabited area of 120 km<sup>2</sup>. These sand-like tailings were found to contain 10% chrysotile. The tailings are used for landscaping and road construction all over the region.

Sampling undertaken by AVAQ shows that the air in the houses surrounded by the tailings is polluted — 15 out of 26 houses are above the US AHERA (Asbestos Hazard Emergency Response Act) guidelines. Women of the area have the highest rate of mesothelioma in the world.

Canada is the only western industrialised country producing, promoting and exporting chrysotile. The Asbestos Institute promotes the export of chrysotile to developing countries under the pretense of promoting its safe use. All the production of chrysotile in Canada comes from a small area of Québec where fewer than 900 people are employed in the mines. More people in Canada work in the removal of asbestos than in its production. The chrysotile industry is rapidly declining in Québec because of international competition and the restriction of markets.

Canada has also been transferring chrysotile technologies to competing countries, such as Russia and China.

Canada and Québec both have policies that promote the use of chrysotile asbestos; Hydro-Québec electrical poles are to be made of asbestos. Asbestos workers and their community are being told that if they “keep quiet”, the industry will rise again.

## *Glamis Gold Accused of Violating Indigenous Rights*

Glamis Gold, currently in the news inciting investors with its adventures in mergers and acquisitions, apparently has a less friendly side. In addition to its history of creating environmental liabilities in the Nevada, and having failed to overturn Quechan Nation rights in California, it stands accused of violating indigenous rights and peasants’ rights in Guatemala and Honduras.

Glamis takes great pains to paint itself as a Canadian company, but its head office is in Reno, Nevada and it is clear that it is only Canadian enough to take advantage of Canadian tax incentives (for details see “Understanding Mining Taxation” on our web site) and the North American Free Trade Agreement (NAFTA).

On July 21, 2003, Glamis filed a Notice of Intent under

Chapter 11 of the North American Free Trade Agreement (NAFTA) that it is bringing a US\$50 million claim against the United States for actions taken by the state of California to protect the environment — and indigenous Quechuan communities — from the impacts of open-pit mining. The claim was submitted to arbitration in December, 2003. The company argues that it deserves compensation for the laws' impacts on its mining project in California's Imperial Valley.

Meanwhile, Glamis' Marigold Mine in Nevada has created substantial contaminant plumes under tailings impoundments and waste rock dumps that are not being remediated. The plumes are moving toward the Humboldt River and drinking water supplies, according to Tom Myers of Great Basin Mine Watch.

In Honduras, Glamis' San Martin Mine, which it bought as part of merger with Francisco Gold in 2002, has a history

of serious problems with relocation of local farmers and contamination of water supplies.

In Guatemala, serious complaints have been raised regarding the awarding of the mining concession for Glamis' Marlin Project in the south-west of the country without consultation with the affected communities. The International Finance Corporation (IFC), the private sector arm of the World Bank, is providing a \$45 million (US) loan to Glamis' Guatemalan subsidiary, Montana Exploradora de Guatemala. The project has attracted criticism from a number of Guatemalan and international organisations both for its probable environmental and social impacts and for the fact that the government broke a number of commitments in awarding the concession without properly consulting the affected Mayan communities. The following open letter was sent to the President of Guatemala to emphasise the gravity of the situation:

Lic. Oscar Berger, President of the Republic of Guatemala

November 2004

Dear Mr President,

We write to you as friends of the Guatemalan people. We wish to express our support for the members of the "Frente por la Vida" Coalition<sup>1</sup> who have informed us about the arrival of a mining company, Montana Exploradora, a subsidiary of Glamis Gold and the start of the Marlin gold and silver mining project in the Department of San Marcos (municipalities of San Miguel Ixtahuacán and Sipacapa). We understand that the Government of Guatemala issued a permit for this open pit mine, without the prior and informed consent of the Mam and Sipacapense indigenous people who live in those municipalities.

The Frente has asked the international community for support in their demand that the Government of Guatemala fulfill its obligations according to Convention 169 of the International Labour organisation (ILO), which it has signed and ratified. Convention 169 states that Indigenous Peoples "have the right to decide their own priorities for the process of development as it affects the lands they occupy or otherwise use". It also says that "they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly."

Based on the rights accorded to them by Convention 169, the Frente por la Vida coalition asks that your government:

1. Halt further work on the Marlin mine pending the full and informed participation of local communities in the formulation, implementation and evaluation of the plans and programmes for this open pit gold mine.
2. Change the Mining Law to include a prior and informed consent from the affected indigenous communities for any mining exploration and exploitation permit. The Mining Law should also ban the use of cyanide, which has been prohibited in the state of Montana in the USA. In addition, the royalties should be increased to at least 12% and designated for investments in the affected communities.
3. Declare a moratorium on new mining permits until the Mining Law has been made congruent with all Guatemalan international commitments, especially Convention 169 of the ILO.

We believe that the Frente has legitimate reason to be concerned about open pit mining given the experience of people in other countries around the world.

- The process will use as much as 250,000 litres of water per hour (according to the company's estimates) in a zone with limited water resources.
- Open pit mining is highly destructive of the environment, with contamination of the water with heavy metals, which has negative repercussions for the health of the people and animals, and contamination of the fruits and vegetables being irrigated, both in the immediate area and in communities downstream.
- It is almost inevitable that the cyanide used to leach the gold from the ore will leak into the environment.
- Metal mining in developing countries creates conflict, encourages corruption, and often leads to violence.
- The number of jobs directly related to mining do not compensate for the loss of agricultural jobs and the environmental, cultural and, especially, social deterioration that affect communities where there are mining projects.

A recent study has shown the presence of arsenic above the accepted limits in a similar mine in Honduras. Moreover, mining companies rarely budget enough for clean up and restoration after the mine is finished. This has been observed in developing countries as well as industrialised ones like Canada.

We understand that the Government of Guatemala's intention to attract mining companies is, among other things, to improve the economic situation of the poor. Unfortunately, this does not happen. According to the UN Conference on Trade and Development, poverty has deepened in mining-dependent countries in the last couple of decades. Not many jobs are created and they are short term, as in the case of the San Marcos project, where the company forecasts only a 10-year long activity, after which the indigenous communities will be left with the destruction and contamination of their environment.

Mr. President, we respect your commitment to “work, in a decisive and transparent way, for the benefit of all Guatemalans”.<sup>2</sup> We therefore request your immediate intervention. We, members of the international community, support the demands of the “Frente por la Vida” and will continue to monitor the developments of this case of a flagrant violation of indigenous rights.

Signing organisations:

The Social Justice Committee (Montréal, Canada)  
Desarrollo y Paz/Développement et Paix/Development & Peace (Canada)

Canadian Auto Workers (CAW)

Guatemala News and Information Bureau (Berkeley, USA)

Network In Solidarity with the People of Guatemala (NISGUA)(Washington DC, USA)

Agricultural Missions, Inc. (USA)

USWA Canada – United Steelworkers Humanity Fund  
Maritimes-Guatemala “Breaking the Silence” Network (Canada)

Rights Action (Canada)

MiningWatch Canada

<sup>1</sup> Dialogue space of civil society organisations concerned by the effects of open pit mining and committed to development from the communities.

<sup>2</sup> <http://www.guatemala.gob.gt/presidente.htm> web page visited on 17 September 2004.

## New Publications from the Canary Institute

The Canary Research Institute on Mining, Environment and Health has recently published two documents. Both are available by request from the MiningWatch/Canary Institute office or they can be downloaded from the “publications” page at [www.canaryinstitute.ca](http://www.canaryinstitute.ca).

*Protecting Your Water Rights: A Guide to Environmental Legislation and Limits on Mining Activities in Ontario* by Lara McGuire and Jonquille Pak (60 pages) provides a detailed summary of mining and water issues in Ontario in terms of what laws and regulations citizens can use to protect their water rights.

*Scrap Mining: An Overview of Metal Recycling in Canada* by Jay Fothergill (11 pages) assesses the current state of metals recycling in Canada to see what barriers exist to increasing this practice and in what areas gains are being made. “In Canada, as elsewhere, mining exacts a severe and irreversible toll on... public health, water and air quality, fish and wildlife habitat, and community interests. If we hope to decrease our reliance on this activity while meeting our current and future metal needs, we must look at getting more of our raw materials from secondary sources — the only other terrestrial supply currently available.”



**I want to help provide communities with the support they need and make the mining industry accountable.**

Direct my contribution to:

**The Canary Research Institute for Mining, Environment, and Health** to support research and education projects. *As a donor to the Canary Research Institute, I will be given a charitable donation receipt. Charitable Registration # 87103 9400 RR001*

**MiningWatch Canada** to continue pressing governments for crucial changes to law and policy. *I understand I cannot receive a charitable donation receipt for this contribution.*



Name: \_\_\_\_\_

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