

Title	State of the World's Minorities and Indigenous Peoples 2012 - Guatemala
Publisher	Minority Rights Group International
Country	Guatemala
Publication Date	28 June 2012
Cite as	Minority Rights Group International, <i>State of the World's Minorities and Indigenous Peoples 2012 - Guatemala</i> , 28 June 2012, available at: http://www.unhcr.org/refworld/docid/4fedb3fec.html [accessed 18 September 2012]
Disclaimer	This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

State of the World's Minorities and Indigenous Peoples 2012 - Guatemala

As in other countries in the region, resource extraction also had an impact on indigenous peoples and minorities in Guatemala during 2011. In late December 2011, the Inter-American Commission on Human Rights (IACHR) withdrew an earlier recommendation to suspend operations at the controversial Goldcorp Marlin gold mine in the Guatemalan province of San Marcos.

The facility, located near the border with Mexico, has been the subject of an ongoing series of human rights-related complaints by indigenous communities. In addition to the IACHR, the ILO's Committee of Experts and the UN Special Rapporteur on the rights of indigenous people had also recommended operation suspension until local communities are adequately consulted. Moreover, the Canadian mining company's own human rights assessment had also advised the company to halt land acquisition and mine expansion pending community consultations.

According to the NGO Mining Watch Canada, just prior to the IACHR ruling reversal, the Guatemalan government, in conjunction with a company-sponsored water committee, released a hydro-geological study that apparently contradicted the perceptions of local Mam Maya communities that the Marlin mine is contaminating their local water supply and should be closed.

Although the report's lack of impartiality was questioned, it seemed enough to prompt the IACHR to rescind its decision. In Guatemala, environmental impact studies cited by the government are usually financed and contracted by the mining companies themselves.

Critics, including the Guatemalan Constitutional Court, have noted the permissive mining climate encouraged by the Guatemalan government and, in 2008, even deemed some practices unconstitutional. These include Articles 19 and 20 of the country's Mining Law, which lets extraction begin while the relevant paperwork is still being processed, and Article 75, which allows mining companies to discharge tailings pond effluents directly into surface water.

Despite the ruling reversal, the IACHR did retain some precautionary measures. It ordered that Guatemala now has an ongoing obligation to ensure that community water quality is suitable for domestic and irrigation uses. It also requested the government to advise the IACHR on how this duty is being fulfilled.

The Center for International Environmental Law (CIEL) and Mining Watch Canada cautioned that the IACHR decision represented an alarming trend in the Americas, that regional member states now seem to be able to force and even threaten the organization into weakening its human rights decisions. As further evidence, they cited the earlier 2011 ruling reversal, when the IACHR backed away from its order to the Brazil government to halt construction of the controversial Belo Monte dam.

Copyright notice: © Minority Rights Group International. All rights reserved.