

10-5-2006

# Indigenous Invade Their Own Lands To Fight Mining Usurpation

LADB Staff

Follow this and additional works at: <https://digitalrepository.unm.edu/noticen>

---

## Recommended Citation

LADB Staff. "Indigenous Invade Their Own Lands To Fight Mining Usurpation." (2006). <https://digitalrepository.unm.edu/noticen/9451>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact [amywinter@unm.edu](mailto:amywinter@unm.edu).

## **Indigenous Invade Their Own Lands To Fight Mining Usurpation**

*by LADB Staff*

*Category/Department: Guatemala*

*Published: 2006-10-05*

Mining companies operating in Guatemala face increasing resistance as residents of lands encroached by the companies have begun to occupy and hold the sites. The occupation tactic was in times past used to protest and refute the ownership of vast tracts of productive territories while local subsistence farmers went landless. In urban areas, occupation was a tactic to obtain housing, a few square meters to put up a flimsy shelter. Now it is being used to prevent the degradation of environments where entire communities have lived for generations and to preserve claims to properties the communities have paid for.

In September, hundreds of families from different communities of the municipalities of El Estor and Los Amates in Izabal, and Panzos and Santa Maria Cahabon in Alta Verapaz, took over lands where companies have government-allocated concessions. In Izabal, about 2,000 Q'eqchi Mayans moved into three separate areas of the mining complex owned by Skye Resources, a Canadian company. As has been the case elsewhere in the country where mining threatens the environment and local way of life (see NotiCen, 2006-03-16), the actions are supported by the Catholic Church.

In this instance, it is longtime activist Father Dan Vogt who is involved in the movement. "They got fed up and decided to take action. There were about 350 families around 2,000 people," said the priest. "They are still there, building houses. The company has told me they are not willing to negotiate until they move." Support also comes from international nongovernmental organizations (NGOs) for the local action.

Grahame Russell of the Canadian organization Rights Action said, "Skye Resources is just one more example of what North American companies are doing through Latin America. The patterns are being repeated everywhere, and the problems go from A to Z. It starts with a complete absence of consultation with local communities, which they have a legal right to. Before people know anything about it, they are in the back door with a mining-exploration license."

A recent report from Oxfam, an international NGO, read, "Rigorous strip-mining has already degraded the fragile ecosystem, eroding the thin topsoil in mountain passes inhabited by Mayan communities. The mountainsides have been deforested, causing landslides and a litany of environmental hazards. In addition to the environmental threat, there is a long history of political violence between the mining companies and the indigenous communities who resist." The Q'eqchi communities are supported by these organizations, but are certainly not led by them.

A delegation of representatives from the communities appeared before the congressional Energy and Mining Commission in concert with the movement onto the mining areas. They came to press legal rights based on their having bought the land from the Instituto Nacional de Transformacion

Agraria (INTA) for which they had never received titles. They charged that the land granted to the Guatemala Nickel Company (CGN), a former subsidiary of Skye Resources, was that same land and that they had never been informed when the land was granted to Guatemala Nickel.

The delegation told the commission that mining was not compatible with their lives. The Q'eqchi explained it all in a press release. "Some years ago, Eximbal [Exploraciones y Explotaciones Mineras Izabal S.A.] invaded our lands. These properties are the legacy of the work of our grandfathers and grandmothers; they worked, sweated, and sacrificed themselves for these lands over a long period of time. Suddenly the CGN appeared and was able to appropriate part of our lands. This was an unjust blow to the Maya Q'eqchi people. As we have been unable to find a solution to this problem, we have no other option but to occupy the following areas as of Sept. 17, 2006: Barrio la Revolucion, Chichipate, 200 families, Comunidad la Paz Quebrada Seca, Santa Maria, 80 families, and in Colonia la Pista, 100 families."

On the other side of Lake Izabal, the south side, another movement against the mines is brewing. There, the residents' concern is that Mayaniquel S.A. will sterilize the lake by overheating its waters, which it uses to cool machinery used in high-temperature metal-separation operations. Mayaniquel is a subsidiary of BHP Billiton, the world's largest diversified-resources company and third-largest nickel miner. Local communities had hung their developmental hopes on ecotourism, which would be destroyed by the mining. For some of the communities, indigenous claims precede the INTA sales.

In La Revolucion, Chichipate, said occupation leader Federico Pop Caal, "CGN wants to take more than half the lands that belong to us. Of the 30 caballerias we had, they are offering us only five [in Guatemala, a caballeria is 45.16 hectares]. We have been displaced from our land just as our parents and grandparents were more than 100 years ago. Many communities paid for their land decades ago."

### *A long history, complete with massacres*

Said political analyst Marco Vinicio Mejia, "These evictions have been going on forever; this problem has been coming up since the beginning of INTA and was the cause of the Panzos massacre...." The Panzos massacre occurred in 1978 and goes unpunished to this day because of impunity. The now-defunct INTA's failure to deliver titles to the communities is thought to have been a prime cause of the massacre because large landowners used the lack of titles as the basis for mass evictions.

What happened with INTA then, said Juan Tiney of the Coordinadora Nacional Indigena y Campesina (CONIC), is the same thing that "is happening now with the Fondo de Tierras (FONTIERRAS), because the community leaders of Izabal, where the problem is greatest, have provisional titles and the receipts that show they have paid." Pop Caal said that CGN executives have told him and others that "we better stop screwing around because, if not, the same thing will happen to us that happened to our ancestors."

There are indications that these communities will suffer at the hands of government and big business. At their meeting with the mining and energy commission, at which FONTIERRAS officials were present, the authorities refused to recognize either the payments or the authenticity of the titles, arguing that these documents were the work of INTA and that current institutions would not honor them.

Carlos Giron, director of FONTIERRAS said, "In the institution there are no records of the payments or of the property titles since they were INTA arrangements, but to prove their authenticity there would have to be proceedings to legally grant the lands to the community." Carlos Cacao, representative of the community of Santo Domingo, El Estor, remembered the situation. "When we tried to obtain our title, we went to INTA, and it turned out that, in the folder that contained the documents in which our properties were adjudicated, 21 pages had been removed, which contained our land documents. We sought through FOTIERRAS to recover this folder, but, as of now, we have had no response. That is why we appeared at the legislature, because we didn't want confrontations, but dialogue."

FONTIERRAS has denied having any information about the folder. "FONTIERRAS has no information of the existence of these folders and much less that they were mutilated, but, if the communities present the papers where it says that the lands have been paid for, their titles to the property will be conveyed," said Carlos Giron, the institution's director.

Mejia, however, foresees escalating confrontations. "The interest of the transnationals in keeping control of these great expanses of land is that the Franja Transversal del Norte (FTN) is in that zone. The FTN is a strategic area of mineral wealth where multinational corporations have traditionally been protected from the property claims of indigenous people who have lived there for eons. It has contributed millions in profits to the transnationals (see NotiCen, 2006-09-07). It was created for the enrichment of the national oligarchy. It wouldn't surprise me if there were to be a paramilitary repression of the people who occupied the territories in Izabal."

The FTN has been the scene of strategic colonizations and resource development for many years. Since the 1960s, INTA had been the government agency charged with moving populations around to accommodate mining, oil, and other extraction schemes to benefit the sectors Mejia mentioned.

Ariel Hasse of the Pastoral Social de la Tierra Norte of the Vicariate of Izabal is another for whom history portends a bleak future for the communities. He recalled that, ten years ago, these people had been evicted, without consultation, because their lands were declared environmentally protected zones. "If they didn't consult them in that case, much less would they consult them for a mining-concession license," he said. "That's why that license has caused so much controversy, moreover because the negotiation for the concession was done at a high level without taking into consideration the opinion of the people."

### *The proof is there, the will is not*

There is some question whether these licenses even cover the areas the companies now claim. Records show that license LEXR-902 permits mining exploration on about 248 sq km within El Estor,

and license LEXR-1805 in Los Amates authorizes the activity on 139 sq km. But the Web site of the Ministry of Energy and Mining shows the licensed area covered by the second permit is a polygon of only 100 sq km. The difference in area between the license and the map is the land Pop Caal wants returned to his community, roughly equating square kilometers with caballerias.

Edgar Ical, who was CGN's community relations officer until he was relieved when the local people rejected him as arbitrary and abusive, told the people at a meeting, "The only thing the company can offer is the sale of the five caballerias, but there will be a survey of the area to start negotiations and thus see if it is possible to offer more land." But Pop Caal said the company never even did that much, "and we're not inclined to let them keep on cheating us."

FONTIERRAS, meanwhile, appears to support the communities' claims, but, like its predecessor INTA, allows the problem to get out of hand by not taking responsibility for a solution. Demetrio Cutzal a technical representative of the institution, sent the Energy and Mining Commission a map, which he said shows it is "almost certain that the lands occupied by the campesinos are the property of the communities.

Nevertheless, the final report of the Registro de Informacion Catastral (RIC) will have to determine that, because FONTIERRAS cannot make a resolution on the matter." The map shows further that CGN is drilling on about 20 sq km of that land. Without the missing 21 pages of the folder that would prove title, the communities are at the mercy of bureaucratic buck-passing. "We have to battle alone because what the municipalities, which would have to help us with this kind of problem, do is sell out to the transnational companies," said Caal.

-- End --