

Tahoe Resources: Where Is Your Mining License?

Mining Impunity Delegation, May 23, 2016 – Alert #6

<http://us9.campaign-archive2.com/?u=ea011209a243050dfb66dff59&id=3ae4ebf670>

After visiting with people and communities harmed by the mining operations of Goldcorp Inc., KCA (& Radius Gold) and Hudbay Minerals (up until 2011), our Mining Impunity Delegation ended the 10-day road trip in San Rafael Las Flores, Santa Rosa, where Vancouver-based Tahoe Resources is (at times violently and probably illegally) operates one of the largest silver mines in Latin America. [The founders of Tahoe Resources are senior executives in the Canadian mining industry with connections to both Glamis Gold and Goldcorp Inc.]

Oscar Morales - who is a community member involved with this environmental and community defense struggle since 2011 - met us at his home in San Rafael Las Flores. As part of their ominous presence in San Rafael Las Flores, Tahoe Resources and its local subsidiary *Mineras San Rafael* (MINERASA) support the numerous trumped up criminal and civil charges against Oscar (and many more community members) carried out by the State. This repressive tactic of criminalizing community and environmental defenders is well used by Canadian mining companies and their lawyers. The fight to clear one's name uses significant resources of money and time, while the mining companies – like Tahoe Resources – keep on mining.

Tahoe Resources faces a [civil lawsuit filed in Vancouver, British Columbia](#) for an incident of repression and criminal behaviour against community members on April 27, 2013. On that day, former Peruvian military officer Alberto Rotondo - Tahoe Resources' head of security - ordered the company's private security guards (from the company Alfa Uno which is associated with the Israeli company Golan Group) to open fire on peaceful protesters in front of the mine site; seven men were wounded in the attack. Rotondo was eventually captured and ordered to stand criminal trial in Guatemala for this action and for covering up the evidence. Rotondo escaped from jail, fled to his home country of Peru, was re-captured, and is now awaiting extradition to Guatemala.

La Cuchilla: Repetitive Harms and Violations, Repetitive Impunity

With Oscar, we drove in a 4x4 truck high on the mountain ridge above Tahoe's mining operation to the 80-year old community of *La Cuchilla*. We wanted to speak with people facing possible forced evictions while their homes are cracking and crumbling due to Tahoe's use of explosives in mining tunnels in and under this mountain.



*Entry point to Tahoe Resources' second tunnel, down the mountainside from La Cuchilla community.
San Rafael Las Flores municipality, Guatemala.*

Photo, May 22, 2016, by James Rodríguez, www.mimundo.org

As with Goldcorp Inc.'s Marlin Mine in the Maya communities of San Marcos, cracks are appearing in people's homes and fissures are opening the earth, stretching under homes and down the roads. When confronted by community members' formal petitions for compensation, Tahoe denies any connection to its operations, and claims that poor construction is the cause of the cracks.



An abandoned home in La Cuchilla, that crumbled and partially caved in due to tremors caused by the use of explosives in Tahoe's tunnels. San Rafael Las Flores municipality, Guatemala.

Photo, May 22, 2016, by James Rodríguez, www.mimundo.org

A [report prepared by CONRED](#) (the Guatemalan government's disaster relief office) offers Tahoe shelter. The report concludes that San Rafael Las Flores is situated above a unique spot on earth where three tectonic plates come together creating conditions for regular earth tremors. CONRED's report makes no mention of Tahoe Resources nor of its use of explosives as a possible cause of the cracks and fissures. Company officials have also claimed that *La Cuchilla* community members used picks to dig the fake fissures in the road.



This fissure stretches across the properties of various homes, including the one in the photo above, and through this home, and out along the dirt road. San Rafael Las Flores municipality, Guatemala.

Photo, May 22, 2016, by James Rodríguez, www.mimundo.org

Where Is The Original License?

From repression directed at the local population, to harms and violations (like the cracked crumbling homes), there is little to distinguish Tahoe Resources from the other Canadian and U.S. companies operating mines in Guatemala. Underlying the repression, harms and violations, is our fundamental question to founder and Executive Chair Kevin McArthur: ***where is the original license to operate this mine?***

Despite Guatemala's well-documented corruption and impunity, Oscar and the people of San Rafael Las Flores have done everything in their power to use the legal and political systems to press their legitimate demands against Tahoe. Complex legal maneuverings are at play to get at this fundamental concern, as explained by [NISGUA](#) and others:

On July 12, 2015, the Guatemalan Center for Environmental and Social Legal Action (CALAS) filed criminal charges against former Minister of the Ministry of Energy and Mines (MEM), Erick Archila, and former mines director at MEM, Fernando Castellanos. CALAS is accusing Archila and Castellanos of violating the Constitution and for breach of duty for having granted Tahoe Resources an exploitation license for the Escobal project without adequate consideration of more than 250 community complaints against the project. CALAS called on the UN-backed International Commission Against Impunity in Guatemala (CICIG) to fully investigate the Escobal licensing process, citing Archila's possible involvement in influence trafficking and illicit enrichment.

A separate CALAS lawsuit (initiated in 2013) is stuck in the Constitutional Court; all players are waiting for a “clarifying comment” about whether Tahoe even has a legitimate license to operate its mine. On a local level, the community of *La Cuchilla* held a legally binding “good faith consultation” process on April 28, 2013 in which well over 90% of the community said ‘no’ to mining.

Not only did the Guatemalan and Canadian governments and Tahoe Resources ignore *La Cuchilla*'s consultation process, but they are also ignoring the fact that a lawsuit is questioning – as in the case of KCA's mining interests – whether Tahoe Resources even has a proper mining license.

So, where is the original, legal license to operate Escobal, Kevin McArthur?

“Wake up. Wake up, humanity. We are out of time.” – Berta Cáceres

Please re-post and share these Alerts widely.

More resources:

Excellent report by Luis Solano at: <http://rabble.ca/blogs/bloggers/miningwatch/2015/04/how-quasi-military-project-was-created-to-protect-tahoe-resources>

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Information About What To Do / How To Support:

- Grahame Russell, Rights Action, grahame@rightsaction.org, www.rightsaction.org, www.facebook.org/RightsAction.org
- Catherine Nolin, University of Northern British Columbia (UNBC), nolin@unbc.ca
- James Rodriguez, www.mimundo.org
- Steven Schnoor, steven.schnoor@mcgill.ca

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