

## **Background on the Escobal mine: Violence, impunity, and why Pan American Silver's community interference is a problem**

The Escobal mine is an underground silver project in the department of Santa Rosa in southeastern Guatemala and one of the largest and most contentious mines in Latin America. Since 2011, Xinka and campesino communities have organized to peacefully oppose the mine — imposed against their will. Now, impacted communities are calling on Canadian mine owner, Pan American Silver, to halt its interference in Xinka communities, which foments tension and violence, and undermines the court-ordered consultation process.

### **A History of Violence and Impunity**

Despite broad-based local opposition, former owner Tahoe Resources [forced the Escobal mine into operation](#) in January 2014. The company enjoyed strong government support, using violence against peaceful protests, martial law, military-style surveillance targeting project opponents, and legal persecution. Nearly 100 people were accused of baseless criminal charges for their roles organizing community referenda and peaceful protests. All were eventually absolved for lack of evidence.

In 2013, private security for the Escobal mine opened fire on a peaceful protest and seriously injured seven men who were shot at close range. This violence was the basis for a [groundbreaking civil lawsuit](#) against Tahoe Resources in British Columbia. Meanwhile, the company's former head of security fled the country; an extradition process is ongoing. All other acts of violence against mine opponents remain in impunity, including the murder of resistance members, such as 16-year-old human rights defender, poet and artist, [Topacio Reynoso Pacheco](#).

### **The Current Suspension and Rising Tensions**

The Escobal mine was effectively [suspended in June 2017](#) due to two peaceful encampments to block mine traffic. The resistance movement still maintains these around-the-clock encampments today. A Supreme Court decision issued in July 2017 also ordered the suspension of mining operations. The [Constitutional Court ratified this decision](#) on September 3, 2018, and mandated the Ministry of Energy and Mines to carry out a consultation with the affected Xinka people, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and Convention 169 of the International Labour Organization on Indigenous and Tribal Peoples. In [its decision](#), the Constitutional Court was **“emphatic in affirming that a situation marked by confrontation, violence, and mistrust does not help to make the consultation truly productive.”**

However, since the Constitutional Court issued its ruling, community members and Xinka leaders have experienced an uptick in [threats, intimidation and criminalization](#). In July 2019, five months after Pan American Silver bought the Escobal mine, the [Inter-American Commission on Human Rights granted precautionary measures for Xinka Parliament lawyer, Quelvin Jiménez](#), after he received multiple death threats.

Since September 2020, the [Xinka Parliament has denounced](#) the emergence of a local group led by a former security guard for a mine employee still employed by Pan American Silver. The group is attempting to undermine Xinka leadership and to generate community division and an environment of insecurity. Representatives from the mining company and the Ministry of Energy and Mines have met with this group.

Until recently, the consultation process had not advanced due to multiple procedural irregularities and the [exclusion of the Xinka from their own process](#). Finally, in October 2020, after more than two years of Xinka-led pressure on the government and the company, [Guatemalan authorities agreed to include the Xinka representatives](#) elected by affected communities to participate in the consultation. In reference to the rising tensions, the [joint statement between the Xinka Parliament and the Ministry of Energy and Mines](#) announcing their agreement stated that **the consultation must be “carried out without pressure or conditions imposed by any of the parties.”**

Nonetheless, in recent months six members of the peaceful resistance to Pan American Silver’s Escobal mine have suffered attacks and death threats. On January 16, [Julio David González Arango was shot](#) and wounded at his home by armed assailants. The following day, two members of the peaceful resistance received death threats; two other Xinka leaders had been receiving similar threats for weeks. Then, on February 7th, Xinka leader Luis Fernando García Monroy was threatened by a mine supporter near his home.

### **Why is the company’s community work a problem?**

Even though Pan American Silver is not currently extracting minerals at the Escobal mine, beyond care and maintenance activities, it continues to operate in Xinka communities. According to its [2019 Sustainability Report](#), the company is “engaging with community leaders, government agencies, and NGOs.” In September 2020, the [company announced](#) the launch of a “participatory monitoring program” in the municipality where the mine is located. In response to a letter sent to Guatemalan authorities and signed by nearly 200 organizations expressing concern over the recent attacks and threats against defenders, [Pan American Silver wrote](#) that it continues “community relations activities to respect any existing commitments...”

While such community activities may seem innocuous to an outside observer, the Xinka Parliament and the resistance movement has decried the company’s community work as coercive, in violation of the “free” nature of the consultation and the Constitutional Court suspension order, and a main driver of increased tension and violence. In their [joint statement in October 2020](#) with the Ministry of Energy and Mines, the Guatemalan authority agreed to inform Pan American Silver that the Xinka consider the company’s activities to be acts of bad faith that threaten the integrity of the consultation. Nonetheless, Pan American Silver has so far failed to acknowledge and act in response to Xinka demands that the company suspend all community relations activities to do its part to preserve their right to freely and safely participate in the consultation process.