

The Xinka Parliament of Guatemala

After more than fifteen years of peaceful resistance defending our rights—to which the State has responded by criminalizing us, stigmatizing us, invisibilizing us, jailing us, kidnapping us, attacking us, and murdering our authorities and leaders for defending our rights—today we, the Xinka People, are raising our voices to exercise our right to self determination. We trust that Dr. Bernardo Arévalo will be willing to and, above all, respect the decisions of Indigenous Peoples, in accordance with the principles outlined in his Government's 2024-2028 General Plan, which calls for restoring rights to historically oppressed populations.

The State of Guatemala, through the Ministry of Energy and Mines (MEM), failed to carry out all the relevant administrative processes and failed to conduct a free, prior, and informed consultation with the Xinka People. In other words, the State illegally granted a mining license to "El Escobal," now owned by Pan American Silver, within our territory, specifically in the place that the State currently calls the municipality of San Rafael Las Flores, in the department of Santa Rosa.

For several years, both MEM and the mining company denied our existence in order to justify the lack of consultation; however, the Constitutional Court, in its ruling dated September 3, 2018, in case 4785-2017, confirmed the mining project's suspension and ordered the State to consult with us.

Throughout 2019 the MEM schemed with the mining company to try, unsuccessfully, to get around the ruling. They excluded us from the process, which is why we were not able to start the consultation until 2020.

Over the last four years, we have participated in the consultation process ordered by the Constitutional Court. Although we made progress, it has become clear that the State is unable to comply with the Constitutional Court's orders to protect our rights because we have very weak institutions which lack the budget and the technical and professional staff necessary to do so.

The information analyzed during the consultation process allows the communities who know themselves to be affected or who are [officially] affected by the "El Escobal" mining project to confirm what we have been saying since 2011: the environmental impact studies contain inconsistencies, contradictions and weaknesses that put us at risk.

The Ministry of Environment and Natural Resources does not even understand the most basic units of analysis, such as watersheds, that are used to determine areas of influence. Its weakness as an institution limits its ability to issue warnings or take action when there is a change in levels of arsenic and other heavy metals in the water, which are already impacting animals and plants and, as a result, human beings. This implies that we could be consuming food containing heavy metals. This is alarming, since prolonged exposure to arsenic through

the consumption of food and water contaminated with this heavy metal can lead to cancer, cardiovascular diseases and diabetes in humans.

The Ministry of Health, in its baseline study of diseases potentially linked to mining ordered by the Constitutional Court, corroborated our findings of heavy metals in water bodies such as streams and rivers. The Ministry of Health determined that, in Xinka territory, we are consuming water containing levels of arsenic above the permitted limits and that deaths due to cancer have increased considerably in the region.

In addition, the Ministry of Health determined that the three most prevalent diseases since 2015 in the region have been different types of cancer, diabetes, and cardiovascular diseases. At the same time, the Ministry lacks the ability to address this situation, since it does not even have adequate tests to monitor the water we are consuming.

In the same vein, we are seeing a considerable impact on water availability for our communities. Between 2013 and 2023, the water table dropped at least 100 meters, causing around 50 springs to dry up. In addition, several wells will be impacted in the medium and long term—they will run out of water. That is why the environmental impact study hid data about water sources used by the communities. This mining project also caused an unprecedented humanitarian crisis: it caused the forced displacement of dozens of families whose homes were damaged by earthquakes produced by the vibrations and detonations from the mine.

From a cultural and spiritual point of view, this project destroyed sacred places and archaeological sites making it impossible for us to reconstruct our history. It puts our survival as a people at risk since it has directly impacted the transmission of knowledge to our future generations, forcing us to stop working on the revitalization of our language to instead defend our territory. As a result, our language has now been almost completely lost.

Based on the above information, it is clear that the State has not been able to guarantee our rights to health, life, a healthy environment, water, housing, freedom of expression, identity, our language, our culture, and our territory. For this reason, the Xinka people **do not consent to the mining project “El Escobal”**. This is a decision that must be respected by the State and by Pan American Silver, since the company also accepted responsibility when it bought the project knowing that when the mine’s previous owner denied our existence to justify the violation of our specific rights as Indigenous Peoples it violated the UN Guiding Principles on Business and Human Rights adopted by the Human Rights Council.

Naru Xinka Alaya’ (Territory of the Xinka People), 08 May 2025.