



Newmont Goldcorp Corporation's response to "Extraction Casino: Mining Companies gambling Latin American lives and sovereignty supranational arbitration"

May 20, 2019

The report referenced above contains an inaccurate statement on page 27 which indicates "the Guatemalan government agreed to suspend operations pending the outcomes of an administrative process, but never followed through." This is not accurate as there was an extensive, multi-agency process conducted by the Guatemalan government resulting in an official resolution from the Ministry of Energy and Mines (MEM) related to the claim. The final determination by the MEM, upon completion of the process, is documented in Resolution Number 0104 dated July 8, 2011 whereby the MEM determined that there was no cause to suspend the Marlin Mine operations.

Background

The Inter-American Commission on Human Rights (IACHR) requested the suspension of the Marlin Mine in May 2010 as a precautionary measure until an assessment could be made regarding environmental, public health, and housing concerns that had been raised. The IACHR requested a response from Guatemala within two months. A response was provided within the allotted time by the Guatemalan Presidential Commission on Human Rights (COPREDEH), requesting additional review time.

The Ministry of Energy and Mines (MEM) in Guatemala is the competent authority to resolve matters related to the Mining Law, including any administrative process to suspend mining operations. The MEM officially initiated the administrative process in July 2010. The process included a review of the Marlin Mine and relevant documents produced by the mine, as well as information provided by the parties petitioning intervention by the IACHR. Additionally, the MEM conducted and documented dialogue sessions with the municipalities around the Marlin Mine. The MEM also made requests for review and opinion to other government agencies including: COPREDEH; the Ministry of the Environment; the Ministry of Communication, Infrastructure and Housing; the Ministry of Public Health and Social Assistance; and the social-environmental branch of the MEM. The MEM subsequently analyzed extensive information and opinions provided by the Ministry of the Environment; the Ministry of Public Health and Social Assistance, the Ministry of Communications, Infrastructure and Housing and the social-environmental branch of the MEM.