

We Defend Life!

The Social Struggles in Alta Verapaz

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Introduction

The primary problem of Guatemalan society is the poor distribution of its principal source of wealth, land, which is concentrated in a few hands while the vast majority of the population who are dedicated to agriculture lack access, either because they have none at all or what they do have is too little and too poor.¹

Alta Verapaz (AV) is a department characterized by difficult realities and deep contradictions: it has the highest number of conflicts over agrarian issues and a record number of evictions; it has the highest rates of poverty and, at the same time, it has a great wealth of natural goods. Furthermore, in 2018 it was one of the departments with the highest number of attacks and murders of human rights defenders.²

PBI Guatemala supports various Guatemalan organizations and social movements who defend human rights across its three thematic approaches: the fight against impunity, access to land, and the defense of the territory. Four of these organisations are located in AV: the Union of Campesino Organizations for the Verapaces (UVOC), the Chicoyogüito Neighborhood Association of Alta Verapaz (AVECHAV), the Peaceful Resistance Cahabón and the Community Council of the Highlands – Las Verapaces (CCDA). As such, PBI can address concrete situations of struggle related to Guatemala's deepest structural problem, access to and control of land and territory, within the one department.

The indigenous peoples and campesinos of AV have been subjected to continuous dispossession dating back to the Spanish conquest, when the looting of natural wealth in the region began through the exploitation of raw materials. Following independence from Spain and the subsequent liberal reform, coffee production was promoted in this territory and, at the same time, legislation was created that forced this population to work in slave-like conditions, as *mozos colonos* (a colonial figure akin to serfs), to supply the labor needs of the coffee farms.

During the 20th century, the State planned the construction of infrastructure that was considered necessary to respond to the interests of the economic sector (Northern Transversal Strip - FTN). An internal armed conflict (IAC) broke out in the 1960s which lasted more than three decades. Its principal cause was the unfair distribution of land and all the injustices that this gave rise too. The Peace Accords, signed in 1996, marked the end of the war and were intended as a response to the structural causes that had led to war: “to overcome the causes of the confrontation and lay the foundations for a new development,” which “constitutes a commitment historical and inalienable... for present and future generations.” The relevant agreements which recognize the collective rights of Indigenous Peoples and aim to resolve conflicts over land and territory are the Agreement on Identity and Rights of Indigenous Peoples (AIDPI) and the Agreement on Socioeconomic Aspects and Agrarian Situation (AASESA).

The AIDPI, among other provisions, “obliges the State to guarantee the rights of indigenous women; regularize the forms of land tenure of indigenous peoples and guarantee their access to land; define the status and legal capacities of indigenous communities and their authorities; institutionalize the representation of indigenous peoples at the local, regional and national levels; ensure their free participation in decision-making process access

1 Martínez Peláez, S., *La Patria del Criollo*, EEM, 1994, p.143

2 UDEFEGUA, *Informe anual 2018: Situación de Defensoras y Defensores de Derechos Humanos en Guatemala*.

the different areas of national life; define means of ensuring respect for and use of indigenous customary law; strengthen the capacity of indigenous communities to be agents of their own development.”³

The AASESA affirms that “a firm and lasting peace must be based on a socioeconomic development oriented towards a common good that responds to the needs of the entire population,” overcoming “the situations of poverty, extreme poverty, inequality and social and political marginalization that have hindered and distorted the social, economic, cultural and political development of the country, and have constituted a source of conflict and instability,” stipulating that “social justice, be one of the foundations of national unity and solidarity, and of sustainable economic growth.” The agreement recognizes that special attention should be given to the rural population, which requires “a comprehensive strategy that facilitates the access of campesinos to land and other productive resources, that provides legal security and that favors conflict resolution.”

However, as we can see from this study, more than 20 years later, the causes of the conflict remain, and, indeed, have even been exacerbated through the privatization of public services and the implementation of megaprojects of various kinds, financed by both national and international capital. An economic model based on extractivism was pushed forward without informing nor consulting with the Guatemalan population.

Dozens of these large projects (mining, hydroelectric, mono-cultures, etc.) have entered with greater force and in greater numbers since the beginning of the 21st century, all seeking to benefit from Guatemala’s diverse sources of natural wealth.

Faced with this history of dispossession, the indigenous and campesino population has organized multiple resistances throughout history. They currently make use of all relevant mechanisms (national and international) at their disposal in the defense of their rights, such as the Municipal Code that regulates community consultations, the Inter-American Human Rights System, as well as relevant United Nations (UN) mechanisms and declarations. The State’s response to these resistances has been characterized by repression. Indigenous peoples in Guatemala have suffered genocide and other crimes against humanity, and are currently facing increased criminalization in response to their legitimate social protest. In AV, which has been signaled as the department with the most corrupt justice system in the country with an impunity index of 97.06%,⁴ criminalization has spread in such a way that it has, in many instances, affected entire communities. Thus, public and private actors have benefited, and continue to benefit, from all the power at their disposal (including laws) to hinder and paralyze the resistance of the peoples.

The populations that have been affected by the historical dispossession mentioned are principally indigenous: 92.95% of the AV population is Mayan, with the Q’eqchi’ (86.7%) and Poqomchi’ (11.4%) ethnic groups predominating.⁵ Therefore, the impoverishment of the indigenous and campesino population has its roots in these situations. AV is the department with the highest rates of poverty (83.1%) and extreme poverty (53.6%) in Guatemala.⁶

This monograph aims to highlight the concrete challenges faced daily by the indigenous peoples and resistances of AV in defense of their fundamental right to a dignified life. To achieve this we have included, alongside the secondary sources and interviews with experts, direct testimonies from members of the four organizations that PBI accompanies in the region, paying special attention to the important role that women play in these struggles. It is these people and organizations who are the protagonists of this report.

3 Palencia, T., *Cero punto Cero. Estado de los derechos de los pueblos indígenas en Guatemala a 20 años de la firma de la Paz*, February 2017.

4 International Commission Against Impunity in Guatemala (CICIG), *Una mirada a la justicia y el Estado en Guatemala*, 2018.

5 According to the National Institute of Statistics (INE) and its *Census of population and housing*, 2018.

6 National Institute of Statistics (INE), *República de Guatemala: Encuesta Nacional de Condiciones de Vida 2014*.

1 Historical Context



Land is central to the problems of rural development. From the conquest to the present, historic events, often tragic, have left deep traces in ethnic, social and economic relations concerning property and land use. These have led to a situation of concentration of resources which contrasts with the poverty of the majority and hinders the development of Guatemala as a whole. It is essential to redress and overcome this legacy and promote more efficient and more equitable farming, strengthening the potential of all those involved, not only in terms of productive capacity but also in enhancing the cultures and value systems which coexist and intermingle in the rural areas of Guatemala.⁷

⁷ Article 1B, 28 from the AAESSE

The social and geographical configuration of AV as an extractive colonial project

As mentioned in the introduction, the territory in AV has an essentially Mayan, and mostly Q'eqchi' social configuration. When the Spanish arrived in the 16th century, the Q'eqchi' settlements were concentrated in the mountainous area where the towns of Cobán, Carchá and Chamelco are currently located. However, the anthropologist Diego Vásquez Monterroso carried out an expert investigation into the history and culture of this people and demonstrated the existence of various nuclei of the Q'eqchi', Ch'ol and poqomchi' populations who had succeeded each other across this territory. This research further demonstrates that areas thought traditionally to be virgin had already been inhabited for hundreds, if not thousands, of years, such as the lands to the north of Lake Izabal.⁸

Lourdes Gómez explains that a similar phenomenon occurs in the lowlands to the north of the region: “There are investigations that say that it was only after the 900^o Decree that so many families arrived to the northern lands. It was thought to be an uninhabited area and that it began to be populated as a result of migration, and the donation of land by the State. However, through research at the Archive of Central America, I have found documents where it was reported that, prior to the presence of the State in that area, there was presence of people who had fled the indigenous towns of San Pedro Carchá and Cobán, and across to Chisec, Raxruhá and Fray Bartolomé de las Casas. Thus, the highlands in Alta Verapaz became a territory which sheltered families fleeing the forced labor imposed by Germans and US-Americans. Furthermore, archaeological evidence and ceremonial sites found in the oldest communities from the municipality that now make up the FTN demonstrate that this territory has been used a pilgrimage route for centuries. This region, along with the Sayaxché and Tikal area, forms part of a great spiritual pilgrimage route for the Mayans. Many of the communities which were believed to be uninhabited were located there historically.”

The identity of these people was closely linked to the immediate environment in which their lives developed: the hills, rivers and caves that framed their cultural life and made their subsistence possible.¹⁰ The identity of the Q'eqchi' people was deeply tied to these local community references for centuries. A Q'eqchi' ethnic identity, as such, did not develop until the 20th century, when the social signifiers of class and ethnicity emerged within the context of the oppression suffered in the IAC.¹¹

Throughout the Spanish colonization, Dominican orders assumed exclusive responsibility for “pacifying” and organizing the territory that they had named *La Vera Paz*. For decades they were the only European populations with permission to inhabit the area. It was these Dominican friars who concentrated the local population, then widely dispersed throughout the territory, in what were known as *reducciones*: nuclei which concentrated agricultural, cultural and religious activity, as well as the construction of houses and churches.¹² Between 1543 and 1544 the Dominicans created the principal settlements in the region using this tactic, many of which remain to this day: Santa Cruz, San Juan Chamelco, San Pedro Carchaj, Santo Domingo de Cobán, San Agustín Lanquín, San Francisco, Santa María Cajbom (1543), San Pablo Tamahun, San Miguel Tucurub, San Pablo Chamahá, Santa Ana or San Cristóbal (1544).¹³

8 Vásquez Monterroso, *La investigación sirve: los q'eqchi', El Estor y la larga historia comunitaria maya*, Plaza Pública, 02.10.2019.

9 As will be explained later in this chapter, the 900 Decree is the Agrarian Reform Law which was passed during the Jacobo Árbenz government (1951-1954).

10 López Barrientos, M., *Las comunidades Q'eqchi' y las áreas protegidas en Livingston, Izabal. Insumos para un análisis de correlación de fuerzas*, Guatemala, Asociación para el Avance de las Ciencias Sociales en Guatemala AVANCSO, 2009; Hurtado Paz y Paz, L., *La histórica disputa de las tierras del Valle del Polochic: estudio sobre la propiedad agraria*, Guatemala, Serviprensa, 2014.

11 Wilson, R., *Resurgimiento Maya en Guatemala: experiencias q'eqchi'es*, CIRMA, Antigua Guatemala, 1999.

12 Vásquez, D., Op. Cit.

13 Hurtado Paz y Paz, L., *Dinámicas agrarias y reproducción campesina en la globalización: el caso de Alta Verapaz 1970-2007*, Guatemala, F&G Editores, 2008.

During this period communal lands, called “Indian towns”, were devised around the *reducciones* and these included land for housing and agriculture. Additionally, they created *ejidal* lands around the towns which were designated as pasture and forestry, which were understood as a donation of the Spanish crown to its inhabitants. The Dominicans exercised control over all this territory, acting as “the main landowners in the region and modern agricultural and livestock businessmen, based on their privileged position as a self-legitimizing power.”¹⁴

However, it was following independence from the Spanish colony in the 19th century, that the region became immersed in a profound process of capitalist transformation, which would determine the pre-eminence of extractivism in this territory. Successive liberal governments throughout the 19th century promoted a model of modernization based on the export of agricultural products, principally coffee. Furthermore, they facilitated the appropriation of land by European entrepreneurial migrants with the idea that they would take control of the region and transform it enormously, in accordance with the needs of their economic activity. These migrants, originating for the most part from capitalist societies, particularly Germany, together with Guatemalan elites, created new forms of population control and systems of forced labor. They also created infrastructure for the production and transportation of coffee abroad and reorganized the physical and institutional spaces in the areas they considered suitable for their activity.¹⁵

This project required that large extensions of land, which had previously formed part of the commons and communal *ejidos*, could be expropriated and commercialized. Consequently, in the second half of the 19th century, a series of agrarian laws were passed that designated these lands as “wastelands” and facilitated their dispossession from the indigenous peoples. Laws such as the “commandments” (1847-1894), the “debt ratings” (1894-1934) or the “Law against Vagrancy” (1934-1944) were created to allow forced recruitment by the State and landowners of indigenous labor for the farms.¹⁶ “The department of AV was one of the most affected by all these scourges, and by the situation the liberal governments (1871) had created. The Q’eqchi’ people were practically expelled from their territory and subsumed under the plantation system as feudal serfs. That is, they created an Agrarian Law that allowed for the dispossession of the Q’eqchi’ territory on one hand, and, on the other hand, a Migration Law that gave foreigners the possibility of owning land that had always belonged to the Q’eqchi’ people.”¹⁷

These migrant populations dominated the AV territory and subdued the local Q’eqchi’ communities using a mixture of violence and paternalistic control from this period until World War II (when Germany ceased to be Guatemala’s main trading partner). The hegemony exercised by powerful families like Dieseldorff and Sapper, was such that they established their own institutions in the region and, in order to promote their businesses, they carried out an immense amount of scientific explorations that would come to define the geography, cartography, topography and botany of the region, as well as the uses that would be given to the lands. They also dominated a large part of the existing ethnography, linguistics, history and archaeology of the peoples who inhabit the region with the same objective.¹⁸ “The success ... of the German administration was due to the fact that the farm authorities spoke Q’eqchi’, established a direct relationship with their indigenous workers and chose former community authorities to act as intermediaries.”¹⁹

14 Hurtado, L., Op. Cit., p. 58.

15 González-Izás, M., *Modernización capitalista, racismo y violencia. Guatemala (1750-1930)*. México, El Colegio de México, 2014.

16 Hurtado, L., Op. Cit.

17 Interview with Julio Rodolfo González Gutiérrez.

18 González-Izás, M., Op. Cit.; Hurtado, L., Op. Cit.

19 González-Izás, M., Op. Cit., p. 411

Thus, they carried out a double process of physical exploitation and social disintegration of the Q'eqchi's communities. "They have suffered a lot in the Verapaces, not only the violent episodes from the IAC, but also the appropriation of the land that led to many deaths and massacres of the Q'eqchi' people long before the IAC. Also, they were forced into a "nomadic" condition, where they were moved from estate to estate to service the coffee industry. That is why the defense of their territory and their land is so important for these communities, like in the case of Chicoyogüito, because it is their history, it is their identity, it is everything. The land is essential to their being: more than just a place to live and be, it is a place where they can reinforce their social fabric, their roots, their identity, their history, and this is very frequent and common in the area of the Verapaces and Polochic."²⁰

Access to land is at the center of the armed conflict

“ The landlord burned my grandfather's house for wanting to fight for his land. This was on the estate of a German from Senahú. So, he ordered people to be killed and to burn their houses... Before, people didn't even have land for growing. That's why they were fighting, because they couldn't access land which the landlord claimed was his. But people knew that the land belonged to them, that their parents had already worked it. But because they were afraid of retaliations, people didn't plant out of fear, so they went hungry.”²¹

In 1950, an agricultural census²² was carried out that revealed the extreme inequalities in the distribution of land and the existence of thousands of landless campesino families. In response to this reality, the government of Jacobo Árbenz approved an Agrarian Reform Law (Decree 900) in 1952 that would distribute nine hundred thousand hectares of vacant land, as well as unused lands within estates (belonging to private companies) among the population. One of the expropriations that generated the greatest objections among powerful sectors of power was that of unused lands from the US owned United Fruit Company (UFC), 92% of which according to the census, was a "permanent wasteland."²³ This was the key event that precipitated the military coup against the Árbenz government. A counterrevolutionary process began that would return a large part of these lands "to their supposed former owners, who, along with several soldiers and members of the traditional landowning oligarchy of the time, benefited from this new dispossession of land, at the same time that they retook their source of power and privileges: the power of the State and the concentration of the land."²⁴

During the following decades, the military exercised a strong repression in defense of private property, a central concept in the policies of successive governments dominated by landlords,²⁵ which ended up creating the conditions for an internal war, whose main cause was lack of access to land for the majority of the population. During the IAC, the confrontation between the army and the guerrillas was used to silence, persecute and massacre the civilian population, for the benefit of the interests of landowners and military leaders. "This is evidenced by various expert

20 Interview with Esteban Emanuel Celada Flores.

21 Interview with Rosa Sub.

22 Batres, R., *Ocupaciones de fincas: La expresión de la histórica concentración de la tierra en Guatemala*, Revista Enfoque n°17, Guatemala, 2011.

23 Kapuscinski, R., *Cristo con un fusil al hombro*, ANAGRAMA, Barcelona, 2010. p. 125

24 Batres, R., Op. Cit. p.4

25 Hurtado, L., Op. Cit.

opinions in transitional justice cases that have been litigated in recent years.”²⁶ 93% of the human rights violations perpetrated during the IAC were the responsibility of the State forces and allied paramilitary groups.²⁷

“ At that time, our indigenous comrades were experiencing a situation of economic, social and political calamity, due to the persecution. They lived in the places where the massacres took place. Powerful military families, who continue to have influence, seized all the lands from the people of this region. For example, at that time communities were evicted, even though they had their documents. San Cristóbal, Tactic, Santa Cruz, the rural area of Cobán and more to the north, towards Chisec, Playa Grande, Fray... they were the places most affected. And the whole war intensified with the massacres in Panzós and the Cahabón area. The problem of Guatemala, and the war, was land.”²⁸

On May 29, 1978, the Panzós massacre took place. The army shot at more than 100 people, who had come to the Municipality to meet with the then mayor, Flavio Monzón, to discuss the regularization of their lands.²⁹ “That marked a milestone and the beginning of a whole policy of carrying out massacres and scorched earth operations against communities. It was a very important moment, because a significant sector of civil society at a national level realized what was happening in rural areas.”³⁰

In addition to defending the interests of the local landowning class, the oligarchy and the military leaders began to appropriate lands necessary for the development of new regional economic plans, such as the Puebla-Panama Plan, designed in the early 1960s. This is the case of the northern lowlands of AV (in the municipalities of Cobán, Chisec, Raxruhá and Fray Bartolomé de las Casas), whose occupation was required for the construction of the FTN, a commercial transportation route for oil companies, minerals, water resources and other extractive projects.³¹ The FTN integrates five departments (from Huehuetenango to Izabal) and was completed with the construction of an asphalt road during the governments of Álvaro Arzú (1996-99) and Oscar Berger (2004-07). Likewise, many military and private entities occupied these lands to secure future livestock farms.

“Many families achieved recognition of their lands as a result of the 900 Decree, but the IAC forced many of them to go into exile in Mexico and abandon those lands. When these families returned, their lands were already occupied by farmers. The military in power, like Romeo Lucas García, along with other associated soldiers, managed to get vacant lands assigned to them. The extensions for these lands exceeded the limit established by law, as they were an average of 50 *caballerías*³² in Chisec, in Fray... these sites are currently controlled by drug traffickers.”³³

Another paradigmatic case for understanding how the elites operated in the pursuit of their economic plans were the Río Negro massacres. These took place in community of San Cristóbal Verapaz, where the construction of the Chixoy hydroelectric plant, the largest in the country, was planned. Disturbances between locals and army personnel that took place on March 4, 1980, triggered several massacres that resulted in the deaths of 444 people, most of them women and children, between the years 1980 and 1982. The people were executed by soldiers and

26 Interview with Esteban Emanuel Celada Flores, Cit.

27 Commission for Historical Clarification (CEH), *Guatemala, memoria del silencio*, Guatemala, UNOPS, 1999.

28 Interview with Carlos Morales.

29 Sanford, V., *La masacre de Panzós: etnicidad, tierra y violencia en Guatemala*. F&G Editores, Guatemala, 2009.

30 Interview with Laura Hurtado Paz y Paz.

31 Interview with Julio Rodolfo González Gutiérrez, Cit.

32 One *caballería* is equivalent to 78.58 hectares

33 Interview with Lourdes Gómez.

members of the Civil Self-Defense Patrols (PAC) who had been organized, armed and trained by the Guatemalan army. In addition, there were numerous cases of sexual violence and kidnappings of girls and boys.³⁴

Over the course of the IAC the army also took land by force for “logistical” military purposes. This was the case of the Chicoyogüito community (Cobán), located between coffee farms. It was registered under the ownership of the German Kris family. The State nationalized these lands in 1960 and the army, claiming to be the new owners, began to arrive in the area, appropriating the coffee plantations and forcing the communities, who had previously worked for the German farmers, to work for the military in exchange for being allowed to continue living on these lands. In 1968 the construction of Military Zone No. 21 José Antonio Irisaren began, and on July 28 of the same year they expelled all the inhabitants of Chicoyogüito under pain of death if they tried to return. The army destroyed their properties, including houses (which were burned) and livestock.³⁵ In the following years, the army recruited some men from the community, forcing them to work in the military zone as land laborers, in the ammunition factory and in other sectors. However, they were never paid for the work carried out for more than 40 years (until 2016 in some cases), nor were they awarded the land they had been promised in return (since they did not really own it).³⁶ “The case of Chicoyogüito is particular, because the community was forced to stay in the military zone, as a kind of military colony. They used the situation of Chicoyogüito to strip them and expel them from their lands, to take advantage of their wealth, but also to take possession of them. They are survivors who were subjected to forced labor.”³⁷

Military Zone No. 21 was used as a concentration camp where torture, disappearances, rapes, and extrajudicial executions were committed between 1978 and 1990. Exhumations carried out between 2012 and 2015 produced several mass graves where a total of 565 skeletons were found. It has been possible to identify 128 people³⁸ as part of the judicial investigation for crimes against humanity committed at that time. “A case like CREOMPAZ demonstrates the specific strategy of violence they used in the region. The discovery of the clandestine cemeteries evidences all the extrajudicial executions that were carried out and their logic of violence. (...) There were specific graves where the bones of women boys, girls, adolescents and babies were located.”³⁹ Soldiers have been charged in this case, some of whom have held high political positions in recent years, as is the case of the deputy and founder of the FCN Nación party,⁴⁰ Edgar Ovalle.⁴¹ In 1996, after the signing of the Peace Accords, the estates passed into the hands of the Ministry of Defense, which kept one part and handed another section over to retired military personal. By 2005, the Regional Operations Center for Peace Keeping (CREOMPAZ) was created at the former military zone, where operations are coordinated between the Guatemalan army and the UN. The residents of Chicoyogüito have still not been able to return to their lands.

Another characteristic of the violence that unfolded in AV to ensure control over the land during the IAC, was the systematic use of sexual violence against women by the army and paramilitaries. A clear example of this is the Sepur Zarco case. The Sepur Zarco community had been in the process of regularizing its lands with the National Institute for Agrarian Transformation (INTA) since 1978. In 1982, the army disappeared and murdered 15 community members who had undertaken this process, as well as some of their sons, and destroyed all their

34 Inter-American Court of Human Rights, Judgment of the Inter-American Court of Human Rights in the case *Masacres de Río Negro vs. Guatemala*, 04.09.2012.

35 Interview with Olivia Sierra Max.

36 Ibid.

37 Interview with Esteban Emanuel Celada Flores.

38 González Chávez, M., *La impunidad y la Justicia Transicional en la historia reciente de Guatemala: hacia un Estado democrático de derecho*, México, UNAM, 2017; CALDH, *Caso Zona Militar #21 – CREOMPAZ*, 26.04.2018.

39 Interview with Esteban Emanuel Celada Flores.

40 Official party of the Morales Cabrera Government (2016-20)

41 Escobar, I., *Buscan en Zona 16 a Edgar Ovalle, prófugo por caso Creompaz*, Prensa Libre, Guatemala, 07.12.2018.



belongings.⁴² Following these killings, 15 women who had been left widowed were transferred to the military detachment in the same community, where, over the course of months and years they were continuously raped and abused by soldiers and officers, as well as forced to do work for the troops (cooking, washing the clothes, clean). This horror, perpetrated between 1982 and 1983, was meant to serve as an exemplary punishment.⁴³ The 2016 sentence passed in this case explains how this violence was used as “a weapon of war, insofar as it was used repeatedly and over a prolonged period of time while the women remained under the control of members of the Guatemalan Army, whose objective was to consolidate the result of its military operations within the framework of the counterinsurgency strategy.”⁴⁴

42 Alianza Rompiendo el Silencio y la Impunidad, *Estudio histórico sobre la propiedad agraria y situación socio-económica de la comunidad Sepur Zarco y comunidades vecinas*, Guatemala, 2013.

43 Interview with Laura Hurtado Paz y Paz.

44 Tribunal Primero de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente, Guatemala, *Sentencia C-01076-2012-00021 Of. 2º*, 26.02.2016.

Chicoyogüito Neighborhood Association of Alta Verapaz (AVECHAV)

AVECHAV was founded in 2011, when a number of people from the old Q'eqchi' community of Chicoyogüito, came together to organize a process for rebuilding their memory and seeking justice for the eviction they suffered in 1968. Today the Association is made up of about 250 families, but its formation was not easy. As Domingo Gómez, member and former president of the Association, points out, these families are scattered throughout the territory and fear reprisals for raising their voices against militarism.

Indeed, the dispersal of families throughout the country was a great challenge as there had been little or no contact between them. Another challenge was the reconstruction of the memory of the community, which, even eight years after beginning this process, remains incomplete. None of the families owns the land, and many of them survive in conditions of extreme poverty 50 years following the eviction. Remoteness, fear and a lack of means, all hinder the goal of bringing the community together as a whole.

Thanks to the creation of AVECHAV, testimonies from the eviction began to come to light, which gave the Public Prosecutor's Office (MP) sufficient grounds to open an investigation. On February 27, 2012, the MP carried out a raid on the CREOMPAZ base, formerly Military Zone No. 21. Exhumations began at the base following the raid and several graves with hundreds of skeletons were found. On January 6, 2016, several retired military officers, accused of enforced disappearances and crimes against humanity, were arrested, marking the beginning of the case in which AVECHAV acts as an adhesive plaintiff.

In 2012, the residents of Chicoyogüito organized a march from Cobán to Guatemala City, to raise awareness about their situation. Following this, they, along with the organizations that accompany them and provide legal advice, have taken their case to the courts and the Congress of the Republic. Their fight centers around three demands:

- **Historical truth and the search for justice for crimes against humanity.**
- **Recovery of their lands.**
- **Historical compensation for performing forced labor at the military base.**

But this journey towards justice has not been without obstacles. On the one hand, the Association's coordination has faced anonymous threats and surveillance; on the other hand, the advanced age of witness from the case, and the illnesses related to the extreme poverty they have endured, has led to several deaths, a risk that continues to increase with the delays in the resolution of the case.

In addition, their claims for land have been seriously hampered by the existence of CREOMPAZ, which was created in 2005. The Centre's mission is to educate, train and build capacity of soldiers who will participate in different Peacekeeping Missions, Civil Affairs, United Nations Psychological Operations and Humanitarian Assistance.

To this day, AVECHAV is still awaiting the resolution of its two demands: for justice and for the recovery of the lands. However, these processes are threatened by the legal Initiative 5377, known as the "Amnesty Law," which had been pushed by the Jimmy Morales government since 2017. The approval of this law



would represent a serious blow to the fight against impunity, as well as the search for justice and reparation for the victims and survivors of the IAC.

Despite all the challenges it faces, AVECHAV meets regularly and the number of member families continues to grow. Furthermore, youth circles are being created and the new board of directors is mostly made up of women. Olivia Sierra, current president of AVECHAV, is clear about her objective: "We do not want revenge, we want justice, and we want it in the form of land recovery."

PBI has accompanied AVECHAV since March 2016.

Access to Land in Alta Verapaz



It is essential and unavoidable to solve the problems of agrarian reform and rural development in order to address the situation of the majority population, which live in rural areas and is most affected by poverty, extreme poverty, injustice and the weakness of State institutions. The transformation of the structure of land use and ownership must have as its objective the incorporation of the rural population into economic, social and political development so that the land constitutes, for those who work it, the basis of their economic stability, the foundation of their progressive social well-being and the guarantee of their freedom and dignity.⁴⁵

⁴⁵ Article 1B, 27 of the AASESA

Challenges and difficulties of the institutional model of access and land regularization

Following the signing of the Peace Accords in 1996, various institutions were created to regulate access to land in Guatemala. However, land tenure continues to be the main problem in the country, due to the fact that land continues to be concentrated in large extensions on estates. Meanwhile, the majority of the indigenous and rural population depend on land for their survival, as it is their principal source of food and as well as generating income from any surpluses that can be sold. Therefore, a fair distribution of land is fundamental in ensuring access to the most basic rights, as land is at the center of the economic, social and cultural activity of indigenous communities.

“ As indigenous people we are looking to work the land, and for community support in the fight for land, which is all we need for work. If a family has land, it has everything: food, water, money, and a good life. If not, you are left with a bitter life.⁴⁶

”

Among the institutions that were created to respond to land problems following the signing of the Peace Accords, the principal ones include: the Secretariat for Agrarian Issues (SAA), the entity in charge of mediating the management of land conflicts, and the Land Fund (FONTIERRAS), the entity that replaces INTA as responsible for land regularization. FONTIERRAS' main objectives are: to provide access to land for communities and families that lack land for developing sustainable economic activities; the regularization of State land allocation processes; the development of sustainable agrarian communities; and institutional strengthening to make these objectives possible. Currently, the institution has registered 115 Associative Campesino Companies (ECAs) in the AV territory, all of whom are beneficiaries of credits and development programs which are granted and supervised by the institution itself.⁴⁷ However, their work is limited by several factors: the lack of available land – although the number of existing estates in AV has been reduced, this has more to do with the creation of Protected Areas than with the dismantling or redistribution of the estates;⁴⁸ an insufficient budget that would allow them to purchase land at competitive prices, thus ensuring that the landlords would sell their lands to the institution; a policy that has prioritized granting loans to campesinos over purchasing land.⁴⁹ Furthermore, ECAs are a quasi-capitalist organization model, imposed and alien to the indigenous organization of agriculture, which is traditionally based on community ownership and management.

For all these reasons, and taking into account the great need of the population, the lands that have been allocated to communities and families are insufficient and, in many cases, unsuitable for agricultural production.⁵⁰

This situation is directly related to the fact that the Guatemalan State, as it has been conceived since the 1950s, has never questioned the principle of the private ownership of land. This is the case even such ownership is legality is debatable, particularly considering the ways in which land was obtained, or the fact that this prevents the guarantee of basic rights of a large sector of the population. Furthermore, difficulties exist in terms of discrepancies between

46 Interview with Olivia Sierra Max.

47 <https://fontierras.gob.gt/>.

48 Hurtado, L., Op. Cit., 2008.

49 Flores, L., *Cuestionan los escasos avances en materia rural*, La Hora, 19.01.2009. The article includes some criticisms and demands from social organizations such as the Agrarian Platform that evaluated the first year of the UNE government, January 2019.

50 Castillo Huertas, A., *Las mujeres y la tierra en Guatemala: entre el colonialismo y el mercado neoliberal*, Serviprensa, Guatemala, 2015.

the cadastral and property registration systems, both of which suffer from serious technical deficiencies. This has facilitated the double titling of lands that were traditionally communal property, including granting ownership to people from outside the communities.⁵¹ Therefore, one of the main problems in resolving land tenure conflicts is the overlapping rights to land, resulting from different legal systems applied at different historical moments.

The development of the Sepur Zarco case is a clear example of this: “When the judge orders that negotiations for land titles be resumed, a process which the INTA had left inconclusive when the crimes occurred in 82-83, it means that it is necessary for this institution to address the legalization of communal lands that the communities had been managing collectively because the lands are not the individual property of the 14 women. This opens the possibility of recognizing that the ownership is illegitimate, despite being “legally” constituted in private hands, and reviewing the legality of the first registration, because it violated the laws at the time. The Agrarian Law at that time only allowed up to 15 caballerías of vacant land to be granted to applicants. In that case you are left with two options: canceling the original registration of that property, or recognizing that property. This in turn recognizes the illegalities in how it was obtained, and opting for purchase, which means buying from those who today claim to be the owners. Looking at their last names, however, Botrán and Baldizón, it becomes clear they are families who do not need the land and have never occupied it nor used it for production. If the State pays them for that land, with money that all Guatemalans have contributed to, it is basically throwing money at them because their ownership has only ever existed on paper. The Sepur Zarco community has occupied it peacefully and legitimately, and has used it for continuous production. This second option would, in reality, be conciliatory with the principle of private property which, in Guatemala, is a cornerstone of the entire social construction and which remains untouched.”⁵²

On the other hand, the influence of business groups and financial organizations, such as the World Bank, in the regularization processes has privileged the dividing up of land and individual titling, which, as we will see later, has greatly facilitated the subsequent privatization and reconcentration of land by extractive companies.⁵³ This has occurred despite the fact that the indigenous communities of Guatemala have traditionally administered land collectively, according to their own regulations.

In these land regularization processes, rural women have rarely benefited from institutional actions, despite the fact that the Land Fund Law, in articles 20 and 21, recognizes their inclusion as owners (when they are single mothers) or co-owners. From when FONTIERRAS was created until 2014, only 10.7% of the land was assigned wholly or jointly to women.⁵⁴ Further obstacles include the subordinate role traditionally assigned to women in families and communities, as well as the fact that until that year there was no legislation regulating access to land for single women or women headed households.⁵⁵ Despite all this, granting land titles to women, achieved after years of demands by campesino women’s collectives, has contributed to women playing more a active role in family and community decision-making,⁵⁶ which has also been translated into an improved defense of their natural and social environment, since they are less likely to sell land to companies than men.⁵⁷

51 Miranda López, I., *Mejora de la Gobernanza de la Tierra en Guatemala*, February 2015, p. 63 onwards.

52 Interview with Laura Hurtado.

53 Ibid.

54 PNUD, *El derecho a la vida: las mujeres y el acceso a la tierra*, 16.02.2017.

55 Castillo Huertas, A. Op. Cit.

56 Interview with Sandra Calel.

57 Ibid.

“ We must recognize women’s consciousness, the value and respect they have for our Mother Earth, because they know that it is the only thing they have to give to their children. Sometimes that’s why it’s more difficult for the businessman to deal with women. They prefer to talk to men because it is easier to manipulate them. We have to recognize that unfortunately we live in a very *macho* region. We ourselves have a very heavy burden, because apart from defending our territories we defend our families as well.⁵⁸ ”

Julio González comments that “the weight of the defense of the territory rests 80% on the shoulders of women. They are the ones who carry out all the reproductive work, they are the ones who carry the water, they look after the land, they prepare food, do the laundry, etc. This means that any change particularly affects them, and that is why they are the first to come out in defense of the territory. Men are more likely to get quick money and are easily convinced by what the companies offer. Also, women are the bearers of our culture. At least in the Q’eqchi’ area, the language and all the ancestral wisdom and knowledge is transmitted by mothers and grandmothers. This is an essential characteristic that pushes them to act and fight this way.”

Penalizing agricultural management: repression and evictions

As mentioned in the previous section, the objective of the agrarian legislation and institutions created after the Peace Accords is to address the enormous inequalities in relation to land tenure, the central cause of the IAC. In order to achieve this they hold a remit for developing specific and functional legal instruments, accompanied by active policies for the establishment of legal mechanisms that could help regulate agrarian conflicts. This, however, has not happened over the last 20 years. The lack of a more specific agrarian legal code has resulted in State and business resorting to the use of criminal proceedings to resolve land conflicts between communities, large landowners and companies. A pernicious effect of this is the development of a jurisprudence that allows for the excessive use of criminal law to suppress and silence community demands through the criminalization and judicialization of protests.⁵⁹ These legal instruments have ended up establishing a policy of repression and evictions in the management of agrarian conflicts, which is at the service of the most powerful groups, even when peasant organizations and communities have made use of citizen and institutional channels to demand their rights.⁶⁰

According to the Human Rights Ombudsman’s Office (PDH) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), the most commonly used crimes in the development of this strategy are: aggravated trespassing, coercion, threats, instigation to commit a crime, illegal arrests, theft, theft of assets and illicit association.⁶¹ In AV, which, as previously mentioned, is the department with the most corrupt justice system in the country, this jurisprudence has translated into enormous risks and terrible consequences for people and communities that demand the fulfillment of their rights. This has been reflected in recent years by assassinations of human rights defenders which remain in total impunity; using the round-tables for negotiation to identify and detain community leaders, issuing arrest warrants; and dozens of evictions of communities who were

58 Interview with Lesbia Patricia Artola.

59 PBI Guatemala *Escalada de criminalización y órdenes de captura contra defensores en Alta Verapaz*, Boletín n° 41, Agosto 2019.

60 Interview with Laura Hurtado.

61 PDH and OHCHR, *Situación de las personas defensoras de derechos humanos en Guatemala: Entre el compromiso y la adversidad*, Guatemala, 21.05.2019.

in the process of regularizing the lands they inhabited.⁶² José Chic, from the national coordination of CCDA, points out that “in Guatemala we do not have an agrarian code, and we are solving land conflicts, not by agrarian, or even civil, legislation, but through criminal law. This, [agrarian reform] is an issue we have put forward many times but the CACIF will always object.⁶³ So litigating for indigenous peoples in AV is a lost cause even if you have all the necessary evidence and documents. “

Two reforms of the Penal Code approved in 1996, Decree 33-96, established that anyone who claims to own land can denounce a group of people within the land for trespassing, without the need to exhaust administrative routes for resolving the conflict. The number of evictions have skyrocketed as a result of this reform.⁶⁴ In 2018, of the 359 agrarian conflicts that were registered in the country, round-table dialogues were only used in 20 cases as a means to solve the conflicts, and between 2017 and 2018 only eight achieved a resolution using this mechanism.⁶⁵ Furthermore, as previously noted, in many cases (such as CCDA) the round-tables for negotiating have been misused for the purpose of identifying and criminalizing community leaders who were participating in the dialogue processes. Hence, the communities mistrust the institutions which exist, in theory, to resolve these conflicts.

Today, many indigenous and peasant communities in AV live with the permanent worry of being evicted. However, raising their voices to denounce these situations and to defend their land rights is a risky activity that exposes them to threats and aggression from State and private actors. In August 2014 people from various communities blocked a road in Samococh (Chisec) to protest against the imminent eviction that was to take place in the community of Monte Olivo. The National Civil Police (PNC) responded by mobilizing more than a thousand policemen. In the disturbances that broke out along that road, police officers shot at three people and then prevented medical assistance from reaching them for a number of hours. The lack of medical attention eventually led to their deaths. Hearings in this case began in January 2017, and 19 low-ranking police officers were indicted for the crimes of abuse of authority, breach of duty, releasing their weapons, and extrajudicial execution.⁶⁶

Both, the 33-96 Decree and the manner in which the vast majority of evictions are carried out, seriously violate international standards ratified by the State of Guatemala.⁶⁷ The OHCHR, which observed the evictions of 732 Q'eqchi families in the municipality of Panzós carried out between March 15 and 18, 2011, warns in its report on the dangers of resorting to criminal procedure as the first option. The report highlights the violations that occurred during the eviction processes: “the lack of prior notification of the communities, the participation of non-state actors (workers and security guards from the sugar plantation), the destruction and/or burning of homes and crops, the lack of alternatives solutions or relocation for communities, the lack of PNC controls on the use of force and the lack of impartiality in procedures by local authorities.”⁶⁸

62 Ibid (Identified data and patterns of action can also be found in the UDEFEGUA Annual Reports and in the Report on Criminalization in Guatemala: situation analysis 2012–2017, also from UDEFEGUA and published in November 2017).

63 Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras)

64 OHCHR, *Los desalojos en el Valle del Polochic. Una mirada a la problemática agraria y a la defensa de los derechos humanos de las comunidades q'eqchi's*, Guatemala, 2013.

65 Information provided by SAA and COPREDEH, published in the Report of the Office of the United Nations High Commissioner for Human Rights on the activities of the Office of the High Commissioner in Guatemala 2018, 2019.

66 Information provided by the Human Rights Law Firm (BDH).

67 Guatemala approved the International Covenant on Economic, Social and Cultural Rights by means of Congressional Decree number 69-87 on September 30, 1987. It defines forced eviction as “Forced evictions can be broadly defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection” and establishes, in article 11, on the right to housing, that State parties should refrain from carrying out this type of eviction.

68 OHCHR, Op. Cit. p. 3

In recent years, the need to develop an agrarian code to deal with these problems has been a constant demand by campesino and human rights organizations.⁶⁹ This was one of the reasons why, in October 2019, CCDA, together with other campesino organizations, organized the first National Agrarian Congress. During the event the murders of various defenders of land and territory were commemorated, criminalizations were denounced and experiences and proposals were gathered from the communities in response to legislation that “has not been proactive in recognizing the rights of indigenous peoples, including their collective right to land and territory.”⁷⁰ According to the coordination of CCDA, this whole situation is aggravated “by the advance of the agricultural and livestock frontiers, forest fires and the dispossession of their lands, as well as the declaration of Protected Areas.”⁷¹

The UVOC and CCDA - Las Verapaces, two of the most active organizations in the fight for agrarian justice and territory in AV, have shared their experiences with us. These clearly illustrate the dynamics in which these conflicts occur.

The Work of the Union of Campesino Organizations for the Verapaces (UVOC)⁷²

UVOC was founded in the 1980s, in the municipality of Purulhá, out of the experience of the Renaissance R.L. and the Association of Mayan Artisans. The UVOC only managed to become a formal organization once the Peace Accords were signed in 1996, due to various obstacles related to the history of violence and repression experienced in Guatemala. This organization accompanies processes in Alta and Baja Verapaz, Izabal and Quiché, and is made up of various Poqomchi', Q'eqchi', Achi and *mestizo* communities who fight for access to land. Their work is currently more focused on Alta and Baja Verapaz, where they work with approximately 367 communities, some of whom have already resolved the legal status of their territory. They have a presence in all municipalities in the AV department.

UVOC is a grassroots organization that is organized through the executive commission and council. These are made up of community leaders, who are in charge of transferring the information, which is dealt with by these two bodies, to the communities.

The support that the organization provides to the communities cuts across three axes: legal advice and representation focused on resolving uncertainty about their lands or personal situations in cases where they have suffered threats, attacks or criminalization attempts by private agents and/or State institutions; their support in mediation processes includes providing accompaniment to the communities in bringing their cases to the SAA and assisting in the negotiations between the various actors involved in conflicts over land tenure; popular training includes communications and political training aimed at community leaders and training in agricultural production techniques and sustainable agroecology.

All this work is organized through various commissions: legal, political, women's, communications and young people's commission. The women's commission works on the organization's gender balance policy for the development of equality as well as women's economic/productive autonomy and the political training. This

69 Statement from the Platform for the Defense of the Land and Territory of Guatemala, 05.09.2019.

70 CCDA statement on the First National Agrarian Congress.

71 Ibid

72 All the information provided in this section, when not specified, has been provided by UVOC to PBI in the context of the accompaniment it has provided since 2005.

commission, organized by the “Ixq Mayaj” association, also promotes women’s access to land ownership and their independence, and organizes awareness-raising workshops on equality with men and young people in the communities. The communication commission focuses on the use and development of community media, such as community radio and digital platforms. The young people’s commission is in charge of raising awareness and training through the work carried out from the political training school.

Furthermore, since 2007 UVOC has been a member of the International Land Coalition (ILC), which monitors agrarian issues worldwide and advocates for peasant governance over land. In May 2017, a cooperation agreement was signed between the ILC and the SAA to develop joint actions aimed at the implementation and dissemination of agrarian policy in Guatemala, in addition to the development of “innovative mechanisms for attention and resolution” of agrarian conflicts.⁷³

This initiative was achieved thanks to the demands of organizations such as UVOC who, for years, have accompanied agrarian conflicts in which the existing legislation has either not been respected or has actually been cause of serious rights violations. This is the case of the community of Santa Inés (Santa Cruz), a Mayan Poqomchi’ community which survived the IAC and which, after years of internal displacement, returned to their lands in the year 2000. They began the process of legalizing their land tenure for the lands where they had lived before they had been forced to flee, with the agrarian authorities under the new legal provisions created by the Peace Accords. A year later, however, a large landowner María de Jesús Sosa Lemus appeared claiming these lands for herself.



She presented deeds to the MP that certified her these lands as her property since 1977. Following this she began selling plots of land to co-owners, such as the Chajcojoj Group, which has led to an escalation of complaints and attacks against the community of Santa Inés. Despite UVOC’s support for the community, the agrarian authorities have demonstrated a poor capacity in responding to the community’s problems. Furthermore, due to the lack of agrarian courts, the MP’s prosecutors and the Criminal Court, both of whom have little knowledge about these issues, have committed human rights violations against the campesinos. Santa Inés has suffered three evictions ordered by criminal judges.

⁷³ RRPP Guatemala, *International Land Coalition América Latina y el Caribe firma carta de entendimiento con la SAA*, 20.05.2017.

Furthermore, some of the most complex conflicts that UVOC has faced relate to the uncertainty over land experienced by the *mozos colonos*. This figure, similar to the feudal serf, has a colonial origin and established labor relations whereby campesinos who worked on landlords' estates did not receive a salary, but rather were allowed them to live there and cultivate on the land. In most cases this was a verbal agreement, without the existence of a contract, and that status of *mozo colono* was passed from generation to generation by custom. Following the IAC, new owners of these lands appeared, claiming that they had bought the properties from the previous owners. Many of them were foreigners who no longer lived in the country, so it is not possible to prove the veracity of those titles. This problem is exacerbated when the new owners sell or break up the land, as more actors become involved in disputing the ownership of the land and their right to remain on it.⁷⁴

Many communities not only face the risk of evictions due to the lack of evidence of land ownership, but they have also become the target of criminalization and accused of crimes such as aggravated trespassing, since their houses are in areas which, according to the alleged owners, are not their property. In these cases, alliances often exist between large landowners, companies and some powerful political, public and judicial actors.

This has been the situation for the Nueva Seamay community (Senahú), which was part of Estate 98, a parcel of land belonging to the old Canguachá estate. 480 community members have been working there since 1986 for the Belgian company Volcán S.A.. After failing to pay their workers' wages, the company signed a legal act in 2002 that gave the land to the workers according to seniority. The claims of these 480 workers of the right to continue inhabiting the land are based on this act. However, this act has still not been formalized through a deed of property for the community members, due to the pressure coming from different economic and institutional power groups. Between 2001 and 2004 two companies, Agropecuaria S.A. and Corporación Senahú, owned by the Ponce and Muñoz-Payeras families, transferred and divided this property. In 2010, Héctor Muñoz-Payeras ran for the position of Attorney General and head of the Public Prosecutor's Office (MP). The CICIG declared him ineligible to run as he was being investigated for different crimes such as aggravated trespassing, special cases of fraud, personal fraud, collusion and four different cases of threats.⁷⁵ There is currently no legal certainty about who owns the land and cadastral studies from the Cadastral Information Registry (RIC) and the SAA are in progress. Therefore, the community continues to live under the threat of eviction since they do not have land deeds, and if the alleged owner wanted to evict them, they could do so using legal measures. A round-table for dialogue was opened with the SAA a few years ago through which UVOC have supported the demands of the community members, but so far there have been no significant advances and the agreements on which this table is based have not been respected.

Likewise, both the Nueva Seamay community and its principal leader, Carlos Caal Rax, representative of the Land Committee and member of the UVOC Council, have been the object of multiple attacks by these families, as well as by State authorities. Despite the existence of the round-table for dialogue, PBI has registered numerous threats, direct attacks, intimidation, extrajudicial evictions and assassination attempts, as well as a strong criminalization of Carlos Caal and his demands in recent years.⁷⁶

In June 2013, Carlos Caal and other community leaders were accused by Benjamín Ponce González and Héctor Alfredo Muñoz Payeras of trespassing. Carlos Caal was the only one who faced a trial where he was accused of aggravated trespassing, money laundering, illicit profiteering and of permitting the installation of an antenna for the telephone company TIGO on someone else's property. He was given substitute measures for these crimes. In a subsequent hearing (2015) Carlos Caal accepted an "opportunity criterion"⁷⁷ and the case was closed. However,

74 Interview with Jorge Luis Morales Cifuentes.

75 Ibid.

76 In October 2016, community members from Carlos Caal's group were attacked with a firearm while working on their crops. In April 2018, there was another assassination attempt against Mario May and his family by armed people who shot at his house at night.

77 According to the document *Módulo sobre los Mecanismos de Simplificación y de Salida al Procedimiento Común*: "The opportunity criterion is the mechanism through which the MP can dispose of the exercise of criminal action, abstaining from exercising it due to the low severity of the event, inadequacy of the penal sanction or other criteria of criminal policy defined by law."



on March 13, 2019, the PNC arrested Carlos Caal, alleging that he had a warrant against him. The agents humiliated him, attacked him, confiscated the money he was carrying and held him for three days during which he was transferred from Senahú to Cobán. When UVOC representatives came to find out what had happened, Carlos Caal was released, as the order was related to the same events and complaint that had occurred in 2013 (which had been closed in the court ruling from four years earlier). The incident was anoted as an “administrative error.”⁷⁸

In the context of the accompaniment provided to UVOC, PBI has observed that these processes strongly affect the social fabric of the communities, leading to increased conflicts within them. We have also observed that mediating entities, such as the SAA and the RIC, have, for years, been unable to fulfill their obligations due to lack of human resources, interest or political will. This is the case at Finca La Primavera (San Cristóbal Verapaz), where serious conflicts between the communities affiliated with UVOC and the logging company Filitz Díaz. An agreement was reached in January 2015 which stated that both parties accepted the measurement that the SAA promised to carry out on the lands that belonged to the community members. As of today, almost five years on from this agreement, the SAA has not carried out its commitment to measure the properties, which has led to further confrontations and disagreements in the community (add reference to the table on La Primavera).

Despite all the difficulties, UVOC has managed to secure the awarding of 40 farms to families and communities in need, some through purchase with FONTIERRAS, others from recovery and others from regularization of land titles.⁷⁹

⁷⁸ Interview with Jorge Luis Morales Cifuentes.

⁷⁹ Interview with Carlos Morales.



La Primavera Farm (San Cristóbal)

In the beginning this farm was made up 110 *caballerías* and belonged to a family of landowners with the last name Azurdia. In 1967 it was divided into 3 parts, one of which remained in 40 *caballerías* and in the name of this family who subsequently abandoned the lands. The communities and families that had been working on these land as *mozos colonos* remained there. Nevertheless, their status was very tenuous as they had no legal security on the land and therefore faced a high risk of eviction.

The farm is currently made up 279 families from the communities of Sak-ixim, Baleu and Caserío Chico. 208 of those families are members of UVOC. During the process regularizing the land titles the Azurdia family sold part of the land to the logging company Filitz Díaz, who claimed it for themselves and denounced community members who questioned their ownership of these lands. After years of fighting in the courts, the rural families of La Primavera obtained their property titles and signed an agreement with the SAA in January 2015, with participation from the Maderas Filitz Díaz company, the Azurdia family and the campesinos. On July 23, 2015, the representative of Filitz Díaz handed over 15 *caballerías* to the 279 families of the Primavera, that is, the equivalent of 3.5 blocks of land per family. At that time, the company's lawyer handed over the memorandum certifying the withdrawal of the 48 arrest warrants that were in force against the community members.

As a result of the hand-over of these lands however, the conflict in La Primavera increased due to various causes: competing interests, the unclear limits of these 15 *caballerías*, community divisions and ruptures in the social fabric. 11.98 *caballerías* are currently deeded in the names of 279 families represented by Justino Xollim, member of UVOC and representative of the Association of Campesinos of Santa Rosa and Sak-ixim. However, few people live on these lands, because, among other things, they do not have access to basic services and the distribution of plots has not been carried out. Most of the people live in the 2.20 *caballerías* managed by Sebastián Ical Xona, who opposes the measurements and who, according to community members, has threatened to file complaints that could result in arrest warrants and evictions.

Several people from La Primavera have denounced threats made by Sebastián Ical Xona and say that those who support him, often cut down trees on their land to sell the wood, prevent access to the well that exists on their land and attack them. When UVOC and INAB lawyers visited the farm at the end of 2018 to verify the deforestation that the community members had reported, a group of people armed with machetes and sticks intimidated and beat them. Another worrying incident occurred in early 2019, when a group of people shot at the homes of the community members, intimidating them and putting their lives at risk. Furthermore, a group of community members who have close links with the logging companies continue to cut trees on these lands. Despite the fact that they have obtained INAB licenses to do so, the conflict continues because it is unclear where they allowed to cut down. This situation is directly related to the failure to delimit the properties so as to determine the land that corresponds to each family. In this sense, UVOC have specifically requested that the SAA comply with the commitment undertaken in the negotiations with the community and the logging company to carry out the measurements of the land for the corresponding handover to each family.

In early 2019, Sebastián Ical Xona's group filed a complaint against Justino Xollim, who was arrested and held in remand for three days. He was eventually released, but only after paying a bond of Q8,000. The UVOC denounces this case of criminalization and the participation of authorities such as the PNC (making the arrest), the MP (accepting the complaint without carrying out the pertinent investigations)

and the judge who processed the order (and later imposed excessive bail to Justino, knowing the debt that this would entail).

Thanks to the meeting held between the UVOC (as part of the Campesino Front) with the Attorney General's Office on Attacks against Human Rights Defenders, in December 2018, the prosecutor's Office advocated with the Ministry of the Interior and the PNC to carry out a risk assessment with the La Primavera community members. Although the expected results were not obtained, it was possible to demonstrate the situation of high risk situation experienced by families in the community, for which they received some attention and recommendations from the PNC's Division of Protection of People and Security.



The Work of the Community Council of the Highlands – Las Verapaces⁸⁰

The Community Council of the Highlands (CCDA) is an indigenous and campesino organization that has been fighting for more than 36 years for access to land, in defense of the territory, for decent work and for agrarian justice. It was created in 1981 in the Western Highlands but expanded to various departments following the signing of the Peace Accords. The region Las Verapaces covers the departments of Alta and Baja Verapaz, as well as the El Estor region in Izabal and part of the Reyna Zone in Quiché, where its main objectives are defense, recovery, and access to land.

CCDA accompanies more than 150 Q'eqchi' communities in the Verapaz region who have been repressed and stripped of their land or who are involved in conflicts over land tenure. They support communities' political training and their negotiation efforts with agrarian institutions. Due to the struggles they are involved in, many of their members face multiple risks including: threats, criminalization processes, kidnappings and even murders.



The organization incorporates a strong gender focus into its work, accompanying women whose rights have been violated during violent illegal evictions by providing them with psychological support and legal advice. They also emphasize the need to achieve greater equity between women and men in the communities they accompany, giving workshops on new masculinities, which according to Lesbia Artola, has led to greater awareness of men on this issue.⁸¹

As a result of this work, they have achieved greater participation from women at community level. For example, the organization's board of directors is now composed of equal numbers of women and men. It is also worth noting that CCDA - Las Verapaces is led by two women. Both women leaders have been subject to threats, intimidation and defamation with undeniable sexist overtones that aim, among others things, to question their leadership capacity because they are women.

⁸⁰ All the information provided in this section, when not specified, has been provided by CCDA to PBI in the context of the accompaniment it has provided since July 2018.

⁸¹ Interview with Lesbia Patricia Artola.

In 2015 they began the process of registering indigenous communities with the municipality of Cobán. The mayor at that time, Leonel Arturo Chacón Barrios,⁸² refused to grant this recognition and CCDA was forced to file a complaint against him and bring their demand to the Constitutional Court (CC). A mandate issued by the CC in August 2018, ordered the municipality of Cobán to register the community of Santa Elena Samanzana II as an indigenous community, and therefore subject to the rights recognized in the UN Declaration on the Rights of Indigenous Peoples and the International Labor Organization's (ILO) Convention 169 on Indigenous and Tribal Peoples, among others. This inscription paved the way for the recognition of the rest of the Q'eqchi communities located in Cobán.

The organization has reported that State institutions in AV, through whom they must carry out their work, are permeated by racism and completely co-opted by the interests of landowners and businessmen. According to Lesbia Artola, these actors benefit from the full disposition of institutions such as the MP and the judiciary (in Cobán) to sign arrest warrants and carry out as many evictions as they deem appropriate in the pursuit of their interests. Furthermore, landowners in the region have access to armed criminal groups linked to drug trafficking who can intimidate, disappear or murder anyone they deem to be causing them problems. It is no coincidence that CCDA – Las Verapaces' work in defense of the rights of the campesino communities, is perceived by these groups as a threat to their interests, nor that their actions remain impugned. CCDA carries out its work in an alarming climate of repression, aggression and criminalization: “we are repressed, murdered, criminalized and dispossessed. All of this stems from racism.”⁸³

The alliances between AV's formal and informal powers, in defense of their own interests, has dire consequences for CCDA's communities who speak out in defense of their rights. Daniel Choc Pop, from the community of San Juan los Tres Ríos (Cobán), was assassinated on June 8, 2016. The trial for his murder began in 2019 and the accused was sentenced to two years for homicide in “emotional state,” a verdict which has outraged CCDA. The sentence has been appealed. In 2018 five more members of the organization were killed: Samuel Chub (Xyaal Kobé), Gumerindo Butz (Chiguoyo), José Can Xol (Choctún Basilá), Mateo Chaman Pauu (San Juan Tres Ríos) and Ramón Choc Sacrab (Ixloc San Pedrito). All were leaders and representatives of their communities, as well as participants in the round-tables for dialogue where the organization has been participating. PBI published an Alert in May 2018 denouncing this escalation of violence.⁸⁴ Their murders remain unpunished, and to date no person has been arrested for these crimes.

The aspect that is most worrying about this situation is that these are not isolated cases. The use of round-tables for dialogue to identify, criminalize and attack leaders is a pattern that has become recurrent in recent years, evidencing the continued coordination between private and public actors in AV. The case of the Choctún Basilá community (Cobán) exemplifies this modus operandi. The conflict in this community has existed for more than a decade. However, following participation in a series of round-tables for dialogue that were held in the capital between 2016 and 2017, a ferocious campaign of criminalization against several community leaders was unleashed. The conflict is with the Chilté cooperative, which is part of the Federation of Cooperatives of the Verapaces (FEDECOVERA), but according to the testimonies from members of the community this is actually a company. The conflict centers around the ownership of the 1,684 Estate. Although Choctún Basilá has documents proving the communal ownership of this property since 1996, the cooperative has monopolized much of the land and

82 He was a candidate with the Valor party, and has once again become Mayor of Cobán from January 2020.

83 Interview with Lesbia Patricia Artola.

84 This alert, updated in June 2018, denounces the assassinations of three members of CCDA and three members of CODECA between May and June of that year.

has sold it to large landowners for the cultivation of mono-cultures such as African palm and bananas. They have denounced members of the cooperative, as well as people from other communities who have been hired by them, for carrying out almost daily intimidation over the course of years including constant shootings, the destruction of crops in the community and attacks (the two attackers who killed José Can Xol worked for this cooperative).

Following the aforementioned round-tables for dialogue in July 2017, the cooperative denounced the community for a death in 2015, accusing 16 people of manslaughter (despite the fact that the victim was only shot once). Arrest warrants were issued in August 2017 and the PNC arrested four people from the community: Juan Bautista Riveiro, José Manuel Coc Saquil, Jorge Coc Coc and Marcelino Xol Cucul. Riveiro and Coc Saquil were released after spending almost a year in prison (September 2017 - August 2018), due to insufficient and inconsistent evidence presented by the MP and the Chilté cooperative as a co-complainant. More than a year later, however, on October 30, 2019, Judge Luis Paniagua sentenced Jorge Coc Coc and Marcelino Xol Cucul to 35 years in prison for the crimes of homicide and attempted murder, following a trial in which his defense faced multiple obstacles. The trial, according to UDEFEGUA, “constitutes a clear example of criminalization” of the human rights defenders.⁸⁵ Furthermore, in Choctún Basilá there are seven further arrest warrants out against community members for aggravated theft.

CCDA - Las Verapaces also suffered the disappearance of Abelino Zacarías in December 2017 (he had filed an injunction against the Rocjá Pontilá hydroelectric plant) and Manuel Cabnal in February 2018 (who was fighting against palm oil companies in Chisec). To this day, both are still missing.

In 2017, after a series of extremely violent evictions throughout 2016 against communities who are members of the organization, a Community Defense Network was formed. In August 2017, after carrying out a sit-in in front of the National Palace for Culture in the capital, in which more than 400 Q’eqchi’ families participated, they managed to sign an agreement with the then Vice President, Jafeth Ernesto Cabrera Franco, to establish a round-table for dialogue. 42 CCDA communities (and another two from Petén) were given priority in this process and road maps were established to find solutions to the agrarian conflict. Representatives from these communities participate in these round-tables which address issues such as evictions, access to and adjudication of lands and the situation of communities in protected areas. The round-tables are convened by the Presidential Dialogue Commission and by the State with participation from several institutions including the SAA, FONTIERRA, the Ministry of Agriculture, Livestock and Food (MAGA), the Ministry of the Interior (MinGob), COPREDEH, the National Protected Areas Council (CONAP), the National Forestry Institute (INAB) and the PDH.

FONTIERRA signed for the purchase of a property (the Canguinic Arrow) in December 2018 as a result of these negotiations, which would allow for the relocation of 81 families from five communities, some of which whom had suffered evictions in the past. The official handover of the land titles took place on February 8, 2019. The land titles are held communally and were handed over to the Coquedec Association which made up of 81 families, all of whom are members of the CCDA.

Despite these advances, there are still more than 40 communities in CCDA - Las Verapaces at risk of eviction, and the organization has registered more than 700 arrest warrants for its members. In some cases, there are entire communities with arrest warrants against them (Insert reference to the Lachuá square).

The organization managed to prevent the eviction of the Río Zarco community (El Estor, Izabal) due to take place on November 28, 2018, by filing an injunction that was accepted the day before the eviction date. On January 30, 2019, there was an attempted extrajudicial eviction in Ixloc San Pedrito, Salacuim (Cobán). Despite the difficulties experienced, Lesbia Artola points out that the only way that communities can have any security over their lands is through organization: “The cessation of violent evictions in our region, with the building of alliances and solidarity between communities, has strengthened us. We have not suffered any violent evictions in CCDA communities since 2006.”

⁸⁵ Please see the PBI Guatemala website for further information: [Criminalization of Jorge Coc and Marcelino Xol Cucul](#)

Sakopur, Sajobché and Xyaal Kobé: communities at the heart of the Laguna de Lachúa National Park

The Laguna Lachúa National Park (to the north of Cobán) was officially declared a National Park by the Congress of the Republic of Guatemala in 1996, through Decree 110-96 that reformed the Protected Areas Law (LAP) of 1989. However, in the Master Plan prepared by the INAB in 1999 the area is said to have been considered a protected area by INTA since 1976. The INTA plan highlights how 61% of the Q'eqchi' communities located in the Park's area of influence do not have any legal certainty over their lands and identifies them as one of the main threats to the protected area.⁸⁶ Furthermore, it explains how the majority of these communities arrived to these lands as a result of displacements that occurred within the context of the IAC (during the 1970s and 1980s). The three villages that remained within the park, however, Sakopur, Sajobché and Xyaal Kobé (members of the CCDA - Las Verapaces) assure that they have lived there for longer, and that they have records in the SAA to prove this. They were not consulted when the area was declared National Park, and although many people have the necessary documents to certify their land ownership, CONAP insists that they all arrived in the area after 1989, the year the LAP was approved.

Faced with this situation round-tables for dialogue were opened with the three communities about 10 years ago, but so far no agreement has been reached. The communities are suspicious of the agreements presented by CONAP because, as has happened in Petén, they do not offer any guarantees and, often, these documents justify their presence on the land, while CONAP makes plans to evict them.⁸⁷ In addition, the community members have reported that on March 11, 2011, joint army commandos, CONAP and INAB removed the people from Xyaal Kobé, destroying houses and crops, and shooting one person.

On August 14, 2018, Erwin Haroldo Choc Sam and Martín Chub Cajbon, community authorities from Sakopur and members of the CCDA board of directors, were arrested after leaving a round-table for dialogue in Cobán, which had been called by the Presidential Commission for Dialogue and was mediated by COPREDEH. They had never been notified about the arrest warrant prior to their arrest. They were imprisoned for 10 days, after which they were sentenced to house arrest and ordered to post a bond of Q40.000 each.

To date, the authorities have accused these three communities of polluting and causing environmental deterioration in the park. However, the community members claim to be the ones who actively defend the environment there as they consider it their home. In fact, in response to the complaints filed in June 2017, the CC ordered the suspension of the Rocjá Pontilá hydroelectric plant, which threatened the park.⁸⁸ One of the main partners in this hydroelectric plant is Aurelio Asturias Ekenberg, a cousin of the then Minister for the Interior, Enrique Degenhart.⁸⁹ CCDA has reported that these actions in defense of their environment have led to the issuance of a large number of arrest warrants against almost all of the three communities, when in reality, the contamination and drought that affects the Laguna has been caused by the African palm plantations that surround the entire park.⁹⁰

⁸⁶ UICN, INAB, *Plan Maestro del Parque Nacional Laguna Lachúa*, 1999.

⁸⁷ Virgili Recasens, Eva, *La defensa del territorio y los derechos humanos en Petén: Resistir frente a megaproyectos, una actividad de alto riesgo*, PBI Guatemala, 2016.

⁸⁸ Ramos, J. y Toc, M., *Corte suspende hidroeléctrica Pontilá en Alta Verapaz*, Prensa Libre, 08.06.2017.

⁸⁹ Investigación, *Los favores del MARN a la hidroeléctrica Pontilá*, El Periódico, 29.01.2017.

⁹⁰ Interview with Lesbia Patricia Artola.

Consequences of Extractive Mega-projects in Alta Verapaz



The Government shall adopt or promote the following measures:

- I. Recognize and guarantee the right of access to lands and resources which are not occupied exclusively by communities but to which the latter have historically had access for their traditional activities and their subsistence (rights of way, such as passage, wood-cutting, access to springs, etc., and use of natural resources) and for their spiritual activities;*
- II. Recognize and guarantee the right of communities to participate in the use, administration and conservation of the natural resources existing in their lands;*
- III. Secure the approval of the indigenous communities prior to the implementation of any project for the exploitation of natural resources which might affect the subsistence and way of life of the communities. The communities affected shall receive fair compensation for any loss which they may suffer as a result of these activities; and IV. Adopt, in cooperation with the communities, the measures necessary for the protection and preservation of the environment.⁹¹*

91 Article F, 6 II-IV from the AIDPI

The extractivist model based on mining projects, hydroelectric power generation and mono-cultures, which had been interrupted during the IAC, resumed under the neoliberal government of Álvaro Arzú (1996-2000), however, it was implemented in a context of a greater depletion of natural goods.

AV is a territory very rich in natural goods and therefore attractive for the implementation of this model (although this has not been consensual), which has led to the installation of various projects which in turn have caused the explosion of diverse socio-environmental conflicts. Faced with this situation, it is indigenous communities who are raising their voices in defense of the territory, because these projects only benefit the oligarchies, the political powers and foreign companies, while communities are deeply affected by the environmental and social costs they generate, threatening their survival and the possibility of sustaining a dignified life.

The extractivist model follows the pattern of historical dispossession suffered by indigenous peoples, exacerbating poverty and other social phenomena, such as migration to the United States.

In the following we have analyzed the conflict generated by some of the projects with the greatest negative impact for the peoples and territory in AV from a gender and human rights perspective. On the one hand, we examine the projects for the generation and export of hydroelectric energy, specifically the Oxec I and Oxec II complexes, and the consequent organized resistance to them from the Q'eqchi's communities of Santa María Cahabón. On the other hand, we will focus on the African palm mono-cultures which have, over a very short period of time, monopolized large tracts of land in the FTN and the Polochic Valley, with serious consequences for the lives of the inhabitants of these regions.

3.1 The hydroelectric projects Oxec I y II

Context

“ I am Maya Q'eqchi', and I'm here because, for indigenous peoples and for the Q'eqchi' people, all elements from nature are sacred. The insect is sacred, the plant is sacred, the guardian mountain is sacred, the river is sacred, and the people too. It is within this dimension of understanding of nature-human and time-space relationships that I filed the injunction against the MEM. It is my right as a Guatemalan citizen because they violated the right to consultation of the Q'eqchi' people when they granted a concession for 50 years on the Cahabón river (...), a river which is sacred for my people, the Mayan peoples. This is also established in the sacred Popol Vuh text. We are here because we defend this vital element, not just for people. Without water, there is no life. And what we are doing is nothing more than demanding environmental justice for a sacred river that is in the thought and the memory of the people. The rivers and the fundamental elements for life cannot be seen as a commodity as is the case with this new neoliberal mercantilist model that only causes dispossession and poverty. The human development indicators for my people are very worrisome according to official data. That is why, Sirs, that my intervention is to ask for justice, and that your resolution be in accordance with the law, the Political Constitution of the Republic and the international standards ratified by the State of Guatemala, in this case ILO Convention 169, which forms part of national law. Bantiosh, Thank you⁹²

”

92 Ana Rutilia Caal Choc's testimony as adhesive plaintive in the case against Renace during a public hearing at the Constitutional Court Corte No. 144-2019, 23.10.2019.

The Cahabón river crosses AV from its source, in the Sierra de las Minas mountains, to its mouth in Lake Izabal. The oldest Q'eqchi' settlements were located around its basin, and this is where the economic and cultural life of the Q'eqchi' people had developed for more than a thousand years.⁹³

Since the 1990s, a succession of Guatemalan governments have implemented policies aimed at the privatization and extraction of natural goods. In 1996, the General Electricity Law was enacted, which privatized services in this sector and invited transnational companies to invest in the generation and transportation of energy. In 2003 the Law for Incentives for the Development of Renewable Energy Projects was approved as a means of incentivizing the exploitation of Guatemala's great hydro-electrical potential. The law establishes a series of fiscal advantages and economic incentives for large hydroelectric companies, in addition to free concessions on the rivers for 50 years.⁹⁴ Today, it is transnational companies who monopolize the commercialization of electrical energy in Guatemala, such as the Spanish Iberdrola and Unión Fenosa, the British ACTIS, the Colombian Empresa Pública de Medellín and the Israeli IC Power Ltd. They sell and buy among them and maintain control over the Guatemalan Electrical Company (EEGSA), Eastern Electrical Distribution SA (DEORSA) and Western Electrical Distribution S.A. (DEOCSA).⁹⁵

Since the Incentives Law was passed, nearly 40 hydroelectric projects have been built in Guatemala, a third of which are in the AV department⁹⁶ (there are seven operating along the Cahabón river).⁹⁷ Paradoxically, however, AV is the department where the population have least access to electrical energy, with only 44.36% energy coverage across the department. In the municipality of Cahabón, where the Oxec I and II hydroelectric plants are located, this figure drops to 33.52%.⁹⁸ As such, it becomes clear that the objective for implementing these laws was not to improve the access of the local population to electricity.



With these policies, the State neglected to provide electricity as a social necessity, placing the burden of electrification on the shoulders of local communities. Electricity generation was completely privatized and, in fact, there are many projects, as is the case of the Cahabón river, which do not reduce electricity costs, despite the high social cost they have. The National Energy Commission establishes the prices and the parameters through which companies obtain their profits, but a great percentage of the energy generated is sold abroad. The construction of the Electric Interconnection System for Central American Countries (SIEPAC) means that it manages the electricity market demands of any Central American country in the wholesale market. The State of Guatemala paid for this circuit. The companies generate their production through the circuit but send the energy elsewhere. When there is a greater demand for energy, the price increases. They always earn according to what they generate, as their supply and their capital is the water they have stored and that they only release when they want to generate it.⁹⁹



93 González Izás, M. Op. Cit.

94 To deepen the legal and political framework built to encourage private hydroelectric exploitation, see: Rodríguez-Carmona, A. and De Luis Romero, E., *Hidroeléctricas insaciables en Guatemala: Una investigación del impacto de Hidro Santa Cruz y Renace en los derechos humanos de pueblos indígenas*, 2016.

95 Madre Selva Ecological Collective: http://madreselva.org.gt/?page_id=129

96 Interview with José Chic: in AV there are hydroelectrics operating and five more are planned.

97 Interview with Julio Rodolfo González Gutiérrez: Hidroeléctrica Chichaic (Cobán), Renace I, II, III and IV (San Pedro Carchá), Oxec I and II (Santa María Cahabón). In addition, Renace V and Oxec III are under construction.

98 Ministry of Energy and Mines (MEM), *Índice de Cobertura Eléctrica 2016*.

99 Interview with Julio Rodolfo González Gutiérrez.



Oxec I and II are owned by the Energy Resources Capital Corporation, registered in Panama. These, together with the corresponding State agency, should have presented their project to the population of Santa María Cahabón and its more than 195 Q'eqchi's communities. The State should have carried out a free, prior, and informed consultation, in accordance with the standards established in the ILO Convention 169.

However, not only did they begin to build and produce electricity without having carried out the required consultation, but the communities have observed that in order to avoid delays, they co-opted the municipality and deceived the local population. In 2010 the company began to host parties and give gifts to the communities surrounding the estate where the forests were being cut down, claiming that the estate belonged to a local owner who was planning to plant citrus, coffee and cardamom trees, which would generate a lot of employment for the communities.¹⁰⁰ The purchase of all the land needed for building Oxec I and II was secured through various purchases by “local entrepreneurs,” who would later sell to the company. By 2013, they had already advanced with the construction of the dams and some communities and leaders began to organize protests. In response, the mayor at that time called a meeting with the auxiliary mayors, during which an anti-mining act was signed.¹⁰¹ At the same time, however, they organized a parallel meeting behind closed doors, where they prepared a municipal act which declared that all the communities and neighborhoods accepted the hydroelectric project.¹⁰²

100 Interview with Rosa Sub.

101 Rubén Darío Rosales, from the political party Kalevaal.

102 Interview with Rosa Sub.

Socio-ecological impacts

The consequences of the construction of so many hydroelectric plants on a stretch of river of about 40 kilometers long are many and diverse. Firstly, the project's construction phase, carried out by the company Netzone S.A., requires the deforestation of large amounts of land around the river basin, both where the hydroelectric plant is located and where the tunnels and roads that will be necessary for its construction must pass. Several communities and environmental associations have also denounced the water pollution as a result of the excavations and the release of sludge during this process.¹⁰³

Once the project is built, the channeling of kilometers of river and its storage in large dams, will also have serious consequences for the natural and human life that depends on the river. Firstly, it will cause the destruction of biodiversity. Julio González from the Madre Selva Ecological Collective denounces that endemic aquatic species of the river have already certainly disappeared, "these were remnants of the biodiversity that existed thousands of years ago. Fish have a genetic memory that makes them return to their place of origin to spawn. The impact of this wall, this dam, prevents their return until finally these species will disappear, and thus all the historical, ancient, scenic, genetic wealth of the river, such as the Cahabón river, which has very particular characteristics, will disappear."¹⁰⁴

These dams do not act as natural lakes, which have a constant flow of water. They require, firstly, the flooding of an entire area whose fauna and flora must die or move. Secondly, by interrupting the flow of the river, the reservoirs function as vectors of diseases such as dengue, Zika or Chikungunya, which did not previously exist in the Cahabón region. The river, if it flows naturally, works as a comprehensive water system that prevents the proliferation of this type of disease. These reservoirs also cause stagnation of all the organic matter that the river transports (trees, plants and animals) which, when rotting, produce large amounts of methane gas, one of the main causes of the greenhouse effect.¹⁰⁵

Furthermore, rivers fulfill the function of maintaining humidity and regulating the climate. As the company appropriates the river, interrupts and drastically reduces its flow of water, there can be more drastic variations in the local climate, which contributes the ever increasing impact of climate change across the entire region, which is already one of the most vulnerable to climatic variations.¹⁰⁶

For the indigenous communities living around the Cahabón river, the consequences of these changes are irreparable. As the watersheds dry up, the communities lose access to their traditional water uses (consumption, irrigation, animal husbandry, fishing, cleaning and recreation) on which their subsistence is based. This deeply impacts families, farmers and fishermen who depend on the river for carrying out their social and economic activities. The loss of water is total, particularly during the dry season. On the other hand, there is the cultural damage to a people whose worldview is built around their relationship to the natural environment. The Popol Vuh, the sacred book of the Mayan peoples, makes reference to the Cahabón river, the physical space it occupies and its cultural importance in the most fundamental beliefs, such as the descent of the dead to *Xibalbá* (the afterlife).¹⁰⁷ The impact on this sacred river and, therefore, on the relationship that the Q'eqchi' people have with it, is the source of the greatest rejections of the company's activities.

103 Prensa Comunitaria, *Empresas extractoras de níquel e hidroeléctricas generan conflictividad en la comunidades indígenas de Alta Verapaz*, 05.04.2013.

104 Interview with Julio Rodolfo González Gutiérrez.

105 Madre Selva Ecological Collective: http://madreselva.org.gt/?page_id=129

106 Interview with Julio Rodolfo González Gutiérrez.

107 Interview with Rosa Sub.

Conflict over Oxec I and II: division, criminalization and violations of human rights and the right to consultation¹⁰⁸

To avoid holding a community consultation, which could have halted the commencement of both hydroelectric plants, Oxec S.A. deployed various strategies that threatened both indigenous peoples' rights and the Guatemalan law. These projects were approved by the Minister of Energy and Mines, Erick Archila, during Otto Perez Molina's government. Archila is currently in the United States, waiting on the outcome of an extradition warrant presented by Guatemalan justice system for money laundering and illicit association. Acts of corruption such as buying favors, the cooptation of the municipal government in Santa María Cahabón, as well as agreements that were signed with certain communities, have given rise to conflicts that previously did not exist in the region.

The majority of the population from Santa María Cahabón was unaware of the approval process for the hydroelectric licenses. The only people who participated in this process were the municipal council, some community members close to the project who had signed agreements with the company, and a few people who had participated in meetings organized by the Ministry of Environment and Natural Resources (MARN), the MEM and representatives of Oxec that took place during this period. These agreements mentioned had been signed in 2012 with representatives from 11 communities whom Oxec and MEM had conveniently determined to be the only ones affected by the hydroelectric plant. The company promised to deliver a series of economic support packages for the construction of infrastructure to these communities, but on the condition that they would defend the project and demand a veto from certain organizations.

According to the newspaper Plaza Pública, in one of the last agreements, signed by the Sactá on November 12, 2012, the veto extends to specific people, who committed themselves to "not hindering the development



¹⁰⁸ All the information from this and the following section, unless otherwise stated, was provided by the Peaceful Resistance of Cahabón to PBI in the context of the accompaniment that has been carried out since July 2017.

of the Oxec hydroelectric project, stating that they will not support neither external nor internal campesino organizations, such as Madre Selva, CUC, Conic, CTC, Federación Campesina, UVOC or any other. Likewise, they indicate that they will not support individuals who try to attack the development of the project, and will expressly defend the construction and operation of the hydroelectric plant within Finca Oxec.” Furthermore, the agreement includes an explicit warning: “If any member of the community supports any of the aforementioned organizations that oppose the construction of the hydroelectric plant, THE COMMUNITY WILL LOSE ALL THE BENEFITS AND CONTRIBUTIONS, BOTH ECONOMIC AS WELL AS THE MATERIALS AGREED TO (in capital letters in the original document).”¹⁰⁹

However, it was inevitable that with the construction and operation of the first hydroelectric plant the project became more widely known. The affected communities began to organize, inform themselves and investigate why the mandatory consultation had not been carried out and to demand their rights. Thus, the Peaceful Resistance Cahabón began to take shape in 2015 when they held their first assembly with participation from 38 Q’eqchi’ communities from the municipality. This Resistance is organized horizontally, through assemblies whereby each community discusses their needs and proposals for action, which are later agreed upon in consensus. Local authorities and COCODES (Community Development Councils, a liaison figure between municipal institutions and communities) from 195 communities currently make up the Resistance, all of whom are demanding the revocation of the licenses granted to Oxec, for having been acquired without holding a good faith consultation, as stipulated in ILO Convention 169.

In November 2015, Bernardo Caal Xol, spokesperson for the Resistance, filed an injunction before the Supreme Court of Justice (CSJ) against Oxec for lack of prior consultation in the approval of the Oxec I and Oxec II projects. In January 2016, the CSJ granted the injunction to the communities and forced the company to suspend all activities for lack of consultation. Although the CC recognized the violation of the right to consultation, on May 26 it resolved that the company could continue its activities while obligating the MEM to carry out a consultation with the communities within the year, stipulating that this need only be done in the 11 communities who, according to the company and the ministries, would be affected by the project. This decision was criticized widely for the following reasons: it violates the right to consultation of the rest of the communities near the river basin; it violates the right of indigenous peoples to consultation because it violates the prior nature of the right to consultation (the communities would be consulted for a project that has already begun -Oxec II- and for another that is already complete -Oxec I), and it violates the free and informed nature of the right to consultation (since these communities have previously signed very limiting agreements with the company).

Following the injunction, the economic and political powers in favor of the company reacted aggressively against the people and communities who denounced the breach of the obligatory legal procedures as well as the social irresponsibility and the environmental destruction that the hydroelectric project has brought to the Cahabón region. In March 2017, the Official Chamber of Commerce for Spain in Guatemala issued a statement rejecting the CC’s ruling and urging the Guatemalan State to initiate “criminal actions and proceedings” against those who have demonstrated resistance to the Renace and Oxec hydroelectric projects.¹¹⁰ In this context, defamation campaigns have been carried out against the Resistance as a whole and against Bernardo Caal,¹¹¹ who has faced serious criminalization (insert reference to the leaflet on the criminalization of BC) at strategic moments during the litigation against the company.¹¹² For example, in July 2017 an arrest warrant was issued against the defender, just as another complaint for environmental damage was about to be resolved against the company for clearing

109 Pradilla, A., *El “error” de Oxec: dinero y ayuda a las comunidades a cambio de rechazar a grupos contrarios a su hidroeléctrica*, Plaza Pública, 24.08.2017.

110 Ecologistas en Acción, *El IBEX 35 en guerra contra la vida. Transnacionales españolas y conflictos socioecológicos en América Latina. Un análisis ecofeminista*. Caso: El grupo ACS y la construcción del complejo hidroeléctrico Renace. Madrid, 2018.

111 Interview with Hugo Leonel Archila Archila, defense attorney for Bernardo Caal of the Human Rights Law Firm: “In December 2017, the day a new arrest warrant was issued against Bernardo, a large number of flyers were spread throughout Cahabón which said “Wanted” and used Bernardo’s photo.”

112 Interview with Hugo Leonel Archila Archila.



15 hectares of forest, without a license, in the process of building the hydroelectric plant. Taking advantage of his absence, a settlement was negotiated by which the company would be allowed to continue operating, investing a total of 4 million quetzals in the reconstruction of a hospital in Cobán and the reforestation of the river basin. Nevertheless, “they did not rebuild anything in Cobán and the reforestation was not done in Cahabón, as the sentence mandated, but on a private farm in Carchá.”¹¹³

On August 27, 2017, the Resistance organized a massive good faith consultation among all the communities from the municipality of Cahabón. 26,537 people participated in the consultation with 26,526 voting against the company and only 11 voting in favor.

According to information from the Madre Selva Collective, between November 7 and 10 of the same year, the MEM invited allies of the project, from the 11 communities, that the CC had stipulated in its ruling, to Zacapa where they carried out a consultation. However, this did not meet the requirements of the indigenous peoples nor the conditions established by the CC itself. The PDH, which acted as a mediator during this consultation, highlighted some limitations regarding participation, since only people favorable to the company were present and the agreement was signed without objection from the communities. Members of the Resistance from these 11 communities said that they had no knowledge of this consultation and subsequently found out that many of the people who participated did not even know what they were signing.

In fact, these 11 communities, rather than unanimously supporting the company, are the ones that have experienced the most social division within them. The groups who favour the company, argue that the project has facilitated employment, stopped the migration of young people in search of work, contributed to the building of infrastructure such as new churches, created access to health services and improved their economic situation. Communities such as Sactá, Salac I and Tres Cruces, however, have tried to dissolve the agreement because the promised benefits have not materialized. In Salac I they have reported that few people receive money from the company and they have not built anything there, despite the fact that people from the company come to photograph buildings as a way of saying that they are complying with the agreement.

113 Interview with Julio Rodolfo González Gutiérrez.

Bernardo Caal Xol, a clear case of criminalization

Bernardo Caal Xol is a very active and widely recognized member of the Peaceful Resistance, Cahabón. As the Resistance's spokesperson he filed the complaint for environmental damage and an injunction regarding the right of consultation for the people of Cahabón against the Oxec company. Following these actions, Bernardo was pursued through two criminal proceedings. According to the lawyers for these cases, and other experts, the methods, inconsistencies and times for these cases denote a clear intention to send him to prison with the aim, among other things, that he serve as an example to the Cahabón Resistance itself, as well as other resistances, who seek defend the rights of their populations and territories.

Following the Supreme Court of Justice's (CSJ) judgment, which granted an injunction against Oxec and recognized the violation of the right to consultation of the Q'eqchi' people, the Second Criminal Court of First Instance issued an arrest warrant against Bernardo in April 2016. The charges against him in this case included the accusation that he received his teacher's salary from the Mixed Rural Official School located in the Semoch village for 20 months (between January 2012 and August 2013) without actually teaching during this time. On July 18, 2017, Bernardo voluntarily presented himself to the Court to resolve his legal situation, so as to avoid going to prison.

The Human Rights Law Firm (BDH), who are acting as Bernardo's technical defense, have pointed out that his absence from classes was due to his activity as a member of the workers' union of AV, the bipartite commission and the Joint Board of associated bodies. The Ministry of Education was aware of these activities at all times and, in fact, they reassigned him from a national school in order to allow him to devote himself to this full time. They also highlight how this type of process must be pursued through administrative channels until those are exhausted and, in any case, issue coercive economic measures for the return of that money, if applicable. Bernardo, however, was indicted in a criminal process that remains inconclusive without any attempt being made to exhaust the relevant administrative measures. "The process was intended to criminalize him on social networks, so that he wouldn't be believed and to try to discredit him in the media. All because of the injunction Bernardo signed."¹¹⁴

On January 30, 2018, as the hearing in his case closed, Bernardo Caal was detained and has been held in the Cobán Preventive Detention Center for Men and Women ever since. The arrest warrant was issued a few weeks before the environmental damage complaint against Oxec was resolved, so Bernardo was unable to attend these negotiations despite being both a plaintiff and representative of the Resistance. Furthermore, due to this absence, the State accepted a very low fine from the company as mitigation for the damage caused by the construction of the hydroelectric project.

The events for which Bernardo has been criminalized, tried and convicted, occurred during a demonstration in Cahabón on October 15, 2015, near the Oxec II company, when a group of about 100 people stopped a pick-up carrying workers from the Netzone company at a point known as the Puentón.

Once again the BDH has highlighted several irregularities throughout this process. As Bernardo was not at the scene of the alleged crime, there are serious contradictions between the statements from the complainants and witnesses for the MP. While they declared that they did not know Bernardo at the time of filing the complaint, during the trial they assured the court that he was a well-known figure in the region and two witnesses even said they had studied with him. The last hearing in the trial took place on November

114 Interview with Hugo Leonel Archila Archila.



9, 2018, during which Bernardo was sentenced to seven years and four months in prison for the crimes of aggravated robbery and illegal detention. The judgment has been appealed by the BDH and an injunction has been filed, and although the appeal was accepted by the court, the established deadlines are not being met and the court that will receive this injunction has not yet been formed. In all this, the criminalization and judicial persecution against Bernardo continues.

“All this has the objective of frightening and, supposedly, providing an exemplary case for the population. Bernardo’s case has not reached the level of execution or torture, methods used in the days of the IAC, but the criminal law is being used to silence people who dare to object to certain policies and defend collective rights. All this is done with the aim of criminalizing Bernardo and paralyzing the population, since this message can affect other people in the community and the population in general.”¹¹⁵

UN human rights experts have expressed deep concern over Bernardo’s imprisonment: ““The conviction of Mr. Caal Xól to over seven years in prison on charges of illegal detention and aggravated robbery of a drill, a tool box and some fibre optic cable, appears grossly inflated and was primarily based on testimonies of affiliates with the Oxec company. The conviction of the q’eqchi’ leader is an apparent attempt to silence and discredit the legitimate exercise of the rights of the indigenous community,”¹¹⁶

115 Ibid.

116 OHCHR, *Guatemala: UN experts concerned indigenous leader convicted in retaliation for opposition to Oxec hydro project*, Ginebra, 19.12.2018

In Tres Cruces, as a result of a complaint filed for forgery of signatures in the agreement, members of the Resistance have received constant threats and armed attacks. Furthermore, the school teacher who is in favour of the company has, since the end of 2018, been preventing access to school for 42 children whose families are involved in the Resistance.

The conflicts that occur within communities, between groups for and against the company, are very tense and serious. In the last two years, PBI has recorded incidents such as armed threats, assaults using sticks and machetes, shots fired at the homes of members of the Resistance, threats to burn their homes, preventing them using communal roads, defamation, death threats, illegal raids, multiple attempted rapes and three incidents of rape.

In addition, the Municipality of Cahabón has imposed a second COCODE in many communities, despite the provisions of the municipal regulatory frameworks that allow for the mayor to approve a second COCODE only in exceptional circumstances. These new authorities act in favor of Oxec, they are the only ones that the Municipality recognizes and, in some cases, the only ones allowed to enter municipal negotiations and plenary sessions.



Gender impacts

As happened at the Renace project,¹¹⁷ when engaging in the process of “approaching” the communities, the Oxec company has prioritized dialogue with the men from the communities. Perhaps this is because, as mentioned, women are more reluctant to sell the land, and because the percentage of men who own the land is greater than that of women. Furthermore, the deep sexism that permeates both business and political circles and the community context cannot be ignored.

According to several of the people interviewed, at the same time as the operation of the hydroelectric plant was under way, the company financed several men to look for women in situations of economic need in the communities. The aim was to open very cheap bars where workers could go in the evening to spend their money and have “company” from the young women who ran them. These bars were not subject to any type of law or regulation and they exploited girls between 12 and 14 years old.

117 Ecologists in action, Op. Cit.

“ This type of damage is never referenced in social impact studies. A lot of the labor force that arrives is not local, the local people are only hired for minor jobs, as guards or construction workers, but when it comes to more specialized tasks, people from other places are hired and the bars are created for them. There is social discontent over the opening of bars. The lack of control over alcohol abuse has caused traffic accidents, murders and the population has openly expressed their discontent and demanded their closure.¹¹⁸ ”

“ There was a man who acted as the direct link, because he liked drinking a lot, he looked for the women who were most in need. The men spent afternoons in the bars, they got drunk and beat the women. There was a lot of abuse and a lot of family disintegration. These episodes should be taken as early warnings that the social fabric is disintegrating. I began to meet with COCODES from these neighborhoods, those from the second level and with the mayor, who refused to see me at the meeting of Assistant mayors and all he did was call me crazy. The mayor had links with the company, so he couldn't say anything against Oxec, he was always in favor of them.¹¹⁹ ”

It was in 2017, following a number of serious incidents related to the bars, that the social alarm in the communities was raised. One of the cases was that of a truck driver, owner of one of the bars, who crashed while drink driving, killing several boys and girls. On another occasion, a man wanted to abuse a woman in one of the bars. When she refused he hacked her to death with a machete, and then killed himself. After these episodes, and due to the efforts of some women's groups, who demonstrated the connection between Oxec and the bars and why they had been set up, the people from the communities protested and destroyed them.¹²⁰ Later, under pressure from the communities, the mayor enacted a “licensing law” that prohibited the construction of more bars as well as the consumption of alcohol in the municipality.

It is well known that one of the tasks traditionally assigned to women is caring for families, so it is not surprising that women were the first to protest against the negative effects that the bars were having, both in terms of the social fabric and family economies. As those responsible for feeding and maintaining a clean environment for their families and their communities, women are also the first affected by the disappearance of water from the rivers. The scarcity of water forces them to travel longer distances, several kilometers in some cases, to ensure family survival. Thus, the appropriation of a territory for its exploitation always implies the deterioration in the living conditions of women. These differentiated gender impacts are, however, often invisible, since the reproductive work of women, which is essential for the survival of communities, is never valued fully, due to sexism and the patriarchal culture that reigns in all spheres of life. The deep damages caused by these situations are never contemplated in the environmental and social impact studies of the mega-projects.

The appropriation of women's bodies when they are treated as “objects of exploitation” triggers further vulnerability, exposing them to all kinds of aggression in a context of deep social conflict such as that experienced in Cahabón. As was demonstrated by the In the Sepur Zarco case, the use of sexual violence is very recurrent in these contexts, since it is used as a weapon to intimidate and dominate women and men who decide to fight for their rights.¹²¹ PBI has registered in the conflict over the Cahabón river, rapes, threats of rape, abuse and attacks against women human rights defenders and women from the families of male human rights defenders.

118 Interview with Julio Rodolfo González Gutiérrez.

119 Interview with Rosa Sub.

120 Ibid.

121 Interview with Esteban Celada Flores.

3.2. Palm Oil Mono-cultures

Context

During the IAC, the State encouraged the colonization of large areas from the northern lowlands of AV (Cobán, Chisec, Raxruhá and Fray Bartolomé de las Casas), in pursuit of the interests of the landed oligarchy and the military bourgeoisie. These lands were destined for use in livestock and plantation businesses. Most of them were distributed extensively under the Collective Agrarian Heritage model, a legal mechanism for communal and undivided ownership of land that was created with the INTA Law in 1962.¹²² This model began to die out with the signing of the Peace Accords, and eventually came to an end in the following years when the State's plan for the FTN changed towards a neoliberal policy of expansion of mono-cultures, in this case, African palm. Successive governments have supported the development of these businesses, under the pretext of promoting rural development in the region, arguing their "low impact" on local development and their adaptation to local production systems.¹²³

The same process occurred with the lands in the Valle del Polochic sub-region (municipalities of La Tinta and Panzós), where the large re-concentration of land in the hands of landlords that occurred during the IAC facilitated their direct purchase by the palm oil companies. Over the last two decades the production African palm has overwhelmingly broken into AV, through companies such as Palmas de Desarrollo S.A., Indesa (Polochic), Palmas del Ixcán, Green Earth Fuel, Repsa or Industria Chiquibul (FTN).

Palm oil production has caused some of the greatest ecological and social disasters in the world since the beginning of the 21st century. In countries where palm oil production has existed longest, such as Malaysia and Indonesia, these mono-cultures have caused the destruction of more than one and a half million hectares of virgin forests in Borneo, Sumatra and Papua, causing the disappearance of unique animal and plant species, as well as of indigenous and aboriginal cultures in the region.¹²⁴ Its entry into the AV lowlands has already caused serious transformations in the natural and social landscape, as well as multiple human rights violations due to the way in which these companies have operated in securing land for cultivation.

The imposition of the palm oil model

The guardianship of the lands granted to many communities as Collective Agrarian Heritage, was suppressed by the Land Fund following the Peace Accords. Previously, the lands awarded to peasant and indigenous communities by INTA under this legal mechanism included a clause that recognized the collective, indivisible and non-transferable nature of those lands, which hindered the purchase of the lands by companies. Division was therefore essential to secure the purchase of land. The law that created FONTIERRA in 1999, removed this provision, allowing for the individualization of rights within the lands granted through the Colonization Programs, as well as the commodification of land. However, the community distribution methods, which followed Q'eqchi' customs, did not allow the sale of individual plots as the rights of each family extended throughout the property to the housing plots, cultivation plots, reserve areas, etc. Despite this and often unbeknownst to the community, some people sold their rights to these lands, a very questionable action which placed the entire community in a

122 Hurtado Paz y Paz, L., *Los Programas de Colonización y el Estado contrainsurgente en Guatemala*, 2018 (unpublished).

123 Diagnósticos de la Secretaría de Planificación y Programación de la Presidencia, en Solano, L., *El mercado de los agrocombustibles: Destino de la producción de caña de azúcar y palma africana de Guatemala*, Action Aid, Guatemala, 2010; p. 58.

124 European Parliament resolution of 4 April 2017 on palm oil and deforestation in tropical forests (2016/2222), 04.04.2017; Madrideojos, A., *El aceite de palma es una de las principales causas de deforestación del planeta*, El Periódico, 06.04.2017.

vulnerable situation.¹²⁵ With those purchases, the companies' lawyers were able to begin lobbying to turn communal rights into western-style lots of land. This has greatly affected the traditional ways of life of the communities, since their forms of administrating and using the territory have not been respected and, often, the plots sold are located in nature reserves, water basins or sacred and religious places.¹²⁶

In some cases, lawyers came to the RIC with memoranda from the communities which stated that they had requested the cancellation of the Collective Agrarian Heritage, the mechanism for safeguarding communal land rights, without the knowledge of the indigenous authorities or of the community itself, as was the case of Sechaj (Raxruhá).¹²⁷ Once the lands have been divided between individual owners, they are made valid for oil palm cultivation through various sales of these rights. First, a land coyote identifies the land and buys it at a much lower price than the price they can get when selling to the companies (over the whole process prices can vary from 1,000 to 30,000 quetzals). From there the lands are passed on to a series of intermediate owners, farmers and ranchers, who tell the local population that they are going to produce milk, cheese, and give jobs to the community, things that ultimately do not happen. They use the small plots to set up plantations, simulate the installation of paddocks, and cut forests, without a license. In short, they prepare the lands for the palm trees. As such, by the time the palm oil company buys all these lands, they have already removed themselves from all responsibility for the change of land use and the destruction of forests and habitats required for the cultivation of African palm.¹²⁸ All this is carried out with the co-optation of the local authorities and institutions:

“ What is achieved by all this is the disintegration of community organization. They remove the community leaders so that this role passes to the spokespersons for the company, who are at the company's service. Some members of COCODES are receiving a salary of Q3,000 per month from palm oil companies. Thus communities are left without a voice vis-à-vis the State, the municipalities or other institutions. The mayor of Raxruhá created his own armed cells, which he called G7 and G9, to act like paramilitary death squads, he calls them his community vigilance groups. Nor does he hide the fact that he has meetings with Repsa. Furthermore, the municipality has been providing material and financial support to the companies, lending them trucks, paving the roads for them, not for the benefit of the community of course, but for the benefit of local authorities and companies. They also use religious discourse as a form of control over the population.¹²⁹ ”

“ What we saw in Fray Bartolomé de las Casas is that the agrarian institutions, FONTIERRAS and the RIC, provided all the information to the companies. An officer from the Fund was even found to be working with the palm oil company, and they shared the information so that the company would know exactly which plots it wanted to buy from the communities. A community presentation showed how the company had a map that identified all the plots which had a purchase option, the ones that interested them and the ones they had designated as priorities.¹³⁰ ”

125 Interview with Laura Hurtado Paz y Paz.

126 CONGCOOP, Castro, J., Sánchez, A., Paau, S., Action Aid and the Land Pastoral Marcos, *Situación de DDHH de los pueblos indígenas en el contexto de las actividades de las agroindustrias de palma aceitera en Guatemala*, Guatemala, 2015.

127 Ibid.

128 Interview with Lourdes Gómez.

129 Ibid.

130 Interview with Laura Hurtado Paz y Paz.



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When the companies have already got a foothold in the communities through the purchase of some plots, they use the *coyotes* or the workers themselves, to pressure the rest of the families to sell using threats (“either you sell to us, or we’ll negotiate with your widow”)¹³¹ or cutting off the right of way into the community or access to water which has been privatized in another plot, now owned by the company. Thus, little by little families are forced to sell and move elsewhere in order to ensure their survival. The same occurs on the land in the Polochic valley, where many communities of *mozos colonos* are located within estates where the landowners have sold to palm companies. They are then at risk of expulsion or of being forced to sign concessions or leases to the companies.¹³² Otherwise, even if they are not evicted, entire communities are forced to leave because they are surrounded by palm plantations, with hostile workers and no right of way (making it impossible for them to enter or leave the community) or access to water (when it is not totally polluted).

The climate in which these actions are carried out is characterized by deep impunity and by the failure of public powers to protect the communities: “There has been a total denial of justice within the community organization processes in affected communities. In the FTN region they have set up a community coordination space called the Network of Communities Affected by Palma Mono-culture. They come from the south of Sayaxché, Fray Bartolomé and Izabal, to share information, strategies for action and file collective complaints, etc. because if they do it individually they are criminalized. The companies are pressuring communities to rebel against the leaders who have denounced and questioned them.”¹³³

CONGCOOP has received direct threats for their attempts to denounce the situation of the communities in Chisec and Fray Bartolomé. They have collected testimonies relating to the control and repression exercised by palm companies and their workers. In many cases, the companies have co-opted teachers and health promoters, as well as the community leaders and spokespersons who have raised their voices against them. When they fail, they try to build a case against them for crimes such as aggravated trespassing and get arrest warrants issued against these leaders, who either abandon their demands or leave the community. Furthermore, community members have said that people opposed to the companies have disappeared and are buried in palm plantations.¹³⁴

¹³¹ Ibid.

¹³² Hurtado, L., *Las plantaciones para agrocombustibles y la pérdida de tierras para la producción de alimentos en Guatemala*, Action Aid, Guatemala, 2008.

¹³³ Interview with Lourdes Gómez.

¹³⁴ Ibid.

The socio-ecological impact of palm oil cultivation and processing

Cultivating African palm requires the availability of large amounts of land which must be prepared solely for this purpose. As it requires abundant humidity and enormous amounts of nutrients, it is usually planted where there were previously rain-forests or jungles, which are often eliminated by burning the existing forest.¹³⁵ This has led to the disappearance of large extensions of forests in the north of AV and south of Petén, and has resulted in the displacement or total loss of the biodiversity that was there.

Once planted, the African palm affects the availability of water those areas. A CONAP report indicates that the crop requires at least 25.000 liters of water per hectare per day. Like any monoculture that is intensively farmed, it has consequences such as “soil erosion and loss of fertility during land preparation, change of land use, deforestation, water pollution due to the application of fertilizers and pesticides, and the displacement of other crops.”¹³⁶ Furthermore, once introduced, its potential as an invasive exotic species in Guatemala is high. For communities close to the plantations this has resulted in the loss of nutrients in the land and drought due to the depletion of groundwater. Thus the cultivation of corn, fruit trees or native vegetables is no longer an option for survival.

CONAP explains, in the same report, how the greatest impacts of the palm plantation occur during the subsequent processing of palm fruit in extraction plants. These are usually located near rivers or streams, as processing also requires enormous amounts of water. The processing plants have devastating effects on the water bodies surrounding them, as a result of the discharge of “large amounts of extremely polluting waste due to their high content of organic matter.” Furthermore, they cause “air pollution due to smoke and particulate emissions from incinerators, and bad smells due to effluent treatment and the use of waste, such as fertilizers, that have been applied to the soil.”¹³⁷ Discharges pollute the waters, making them unfit for human and animal consumption, as well as making them a source of infection and disease for the surrounding communities. The high levels of contamination lead to the death of aquatic species in rivers, as occurred in the upper (Raxruhá and Fray Bartolomé) and lower (Sayaxché, Petén) basin of the Pasión river.¹³⁸

In 2019, the Chisec area recorded the highest levels of water shortages in its history, with bodies of water such as the La Candelaria river or Lake Sepalau completely dried up. The nearby communities, which based their subsistence on the availability of these waters, today have to spend between 200 and 300 quetzals per month to pay someone who travels to a river, even if it is polluted, to bring back barrels of water. Thus, to survive, many people are forced to work for the same company that is generating these impacts. And the product of their work as day laborers, is translated, in the end, into the search for the very basic necessities that the company takes from them: water, firewood, corn, etc.¹³⁹

This situation is causing entire families to migrate to the cities or to the United States seeking livelihoods that allow them to subsist. In many cases, it is men who migrate, leaving their families in a situation of absolute vulnerability.

The Gender Impact

Once again, the people most affected by the impacts of these extractive projects are women. The general tendency has been to leave women out of negotiation and decision making spaces around the sale of land to palm companies, despite being co-owners of the land by law. In general, women in the FTN have been reluctant

135 Hurtado, L. Op. Cit. 2008.

136 CONAP, *Riesgos de la agroindustria de palma africana para las áreas protegidas y diversidad biológica en Guatemala*, 2017. p. 2

137 Ibid. p.2

138 CONGCOOP et. Al., Op. Cit.

139 Interview with Lourdes Gómez.

to sell due to their concerns about risking the future of their children. They have reported that this position has made them the target of threats, coercion, aggression and deception by companies.¹⁴⁰

On the other hand, the tremendous water pollution around the communities, where the women are responsible for washing and collecting water, has caused the proliferation of diseases and serious harm to their bodies. In the communities of the Polochic Valley, women report that they and their children get spots and welts when they bathe. After washing, the clothes have turned more yellow. They say that now, to find drinking water, they have to carry their buckets for an average of two hours, whereas before this task took 15 minutes. Furthermore, they insist that due to the distances they now have to travel and the pollution in the water with where they are bathing, miscarriages have increased enormously. This accumulation of situations (pollution, effort and great concern for family health), is irreversibly damaging their quality of life and their chances of subsistence. The life expectancy of women in the region has been reduced to about 45 years.¹⁴¹

In the many cases where men migrate in search of opportunities to support their families, the women left in the communities are left solely responsible for their children and supporting their families. It must also be mentioned that they, in many instances, have had to sell their plots of land, which worsens their situation of extreme vulnerability. Several of the interviewees comment that this has generated a context of total despair, leading many women to prostitution as the only way out for their own subsistence and that of their families. There is a great demand during the high harvest seasons when hundreds of workers come to plantations. Many children are also forced into trafficking networks, having no alternative to survive.

According to various sources consulted, it seems that investigations are underway on the impacts of African palm production, with special emphasis on the specific impacts on women, children and culture of indigenous peoples, whose territories are being strongly affected.

*Guatemala's natural wealth is a valuable asset of the country and mankind, in addition to being an essential part of the cultural and spiritual heritage of the indigenous peoples. The irrational exploitation of Guatemala's biogenetic and forest resource diversity endangers a human environment that facilitates sustainable development. Sustainable development is understood as being a process of change in the life of the human being through economic growth with social equity, involving production methods and consumption patterns that maintain the ecological balance. This process implies respecting ethnic and cultural diversity and guaranteeing the quality of life of future generations.*¹⁴²



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140 CONGCOOP et. Al., Op. Cit.

141 Interview with Lourdes Gómez.

142 Article 1B, 40 from the AAESSE

4 Defending Human Rights in AV



Expanded social participation is a bulwark against corruption, privilege, distortions of development and the abuse of economic and political power to the detriment of society. Therefore, it is an instrument for the eradication of economic, social and political polarization in society.

In addition to representing a factor in democratization, citizen participation in economic and social development is essential in order to promote productivity and economic growth, achieve a more equitable distribution of wealth and train human resources. It ensures transparency in public policies and their orientation towards the common good rather than special interests, the effective protection of the interests of the most vulnerable groups, efficiency in providing services and, consequently, the integral development of the individual.¹⁴³

The active participation of women is essential for Guatemala's economic and social development, and the State has a duty to promote the elimination of all forms of discrimination against women.¹⁴⁴

¹⁴³ Articles 2 y 3 of the AASESA

¹⁴⁴ Articles B, 11 of the AASESA

In the previous chapter we evidenced the existence of various power groups that act synergistically in the pursuit of strong economic interests in the AV region through the analysis of various socio-environmental conflicts. These groups operate by appropriating lands and territories for the violent exploitation of their natural resources, which deeply affects the people and communities that inhabit them. With complicity from co-opted political and institutional powers, they try to silence the voices of those who denounce these situations, exercising aggression and criminalization in a climate of total impunity.

In this final chapter we have collected the testimonies of people who defend collective rights and territory in AV, with the aim of evidencing the implications of defending rights in such a repressive and hostile context. We close with a special emphasis on the enormous difficulties faced by women human rights defenders in a country where both sexism and racism have very deep roots.

The Justice System in AV

“If I am punished for defending the rights of the Q’eqchi’ people and imprisoned for filing complaints against those who dispossess us and capture our rivers and mountains, where else can we go to complain? What else can we do to face the discrimination and racism that prevail in this system?”¹⁴⁵

As already noted at the beginning of this monograph, the CICIG published a report in 2018 that highlighted how the AV justice system was the most corrupt in the country, with the highest rates of impunity. There is nothing new about this information for people who have spent years working in the defense of human rights in the region.

“Of all the territories in which I have worked, AV is the most difficult. Their justice system is rife with people linked to the military and drug traffickers. I don’t think that justice officials are insensitive, but rather they are responding to specific interests. They respond to the logic of ensuring impunity so that all their projects can go ahead and are feasible, such as human trafficking, drug trafficking and prostitution, among other things. In 2011 they murdered a prosecutor, they cut off his head and left him in a park. He was leading a drug trafficking case that was trying to break up a gang, and the message was clear. If an officer were to arrive and try to make advances and fight, the general conditions in the system do not help. There are very clear limits on how far they can go and they have to respect them for their own safety and that of the people around them.”¹⁴⁶

“I can say, from all this experience, that the CICIG was not wrong. It was absolutely right in saying that the justice system in Cobán is plagued by cases of corruption, impunity and the willingness to target the most impoverished who are fighting for their rights.”¹⁴⁷

“It is evident that the criminal law has been used by prosecutors from the MP to neutralize peoples’ struggles and that the companies are complicit. In procedural terms, the MP has built cases with non-existent incidents, false witnesses, collective accusations and a series of circumstances, which, in a democratic State, would never be allowed flourish. With impartial and objective judges, these accusations would collapse, because they have no basis.”¹⁴⁸

145 Bernardo Caal Xol, in: PBI, *Interview with Bernardo Caal Xol, defender of the Cahabón River*. Bulletin n° 39, Guatemala, 2018. p. 8

146 Interview with Esteban Emanuel Celada Flores.

147 Interview with Hugo Archila.

148 Interview with Santiago Choc Cú.

The human rights defenders who try to do their work within the justice system in Cobán, have denounced a climate of intimidation and discrimination that makes this work very difficult. These include law firms and human rights organizations who have been frustrated in their attempts to act legally within an institutional environment that denies their rights and those of the people they represent. They have long been trampled on by prosecutors, judges and commissioners, while their greatest demand is simply that the procedures and norms established in the Guatemalan legal system be respected.

“We can no longer trust the situation in Cobán. We have experienced various actions, across a number of processes, such as the case of Bernardo, where prosecutors and judges have withheld information from us. We cannot work this way. And the law is clear: the political Constitution of the Republic of Guatemala enshrines the right of defense in article 12. If there are so many cases where information is hidden from defense lawyers, then the system is acting in bad faith and it is an attack on the human right to a defense.”¹⁴⁹



Working in Cobán is very tense. I have been working there since about 2001. When you go there you need to be prepared both legally and psychologically to withstand the attacks from the prosecutors themselves. When I go to the MP I always try to have accompaniment from PBI or someone from the UVOC, because in the past they have verbally attacked me. The same happens with some judges who, despite the fact that they already know me, never treat me well. They are in favour of the landowners and they pull out all the stops for them. They are well received and act with complete impunity. The CICIG’s diagnosis is entirely accurate.¹⁵⁰



“Here they sign up to 30 arrest warrants at a time. There are deep and malicious powers that manipulate judges, prosecutors, police and even our municipal and departmental authorities. You cannot go and expect justice. If you don’t have a family member in the system, there is no justice. For example, if we file a complaint sometimes they tell us that it cannot proceed. They are so racist that if you go with PBI they treat you very kindly, but not if you go alone.”¹⁵¹

“There is a discourse permeating among the judges in Cobán, that community leaders are criminals and violent terrorists; and we have seen clearly how they hold this prejudice towards human rights defenders. Another thing that strikes me in the murder cases is that in the MP’s office, for example, a case is opened for the murder of Ramón Choc [peasant leader of the CCDA, assassinated in June 2018], and the same prosecutor who leads this process is also in charge of the process against the two human rights defenders Marcelino Xol and Jorge Coc of the CCDA. The same prosecutor who criminalizes them is investigating the other murder. And, while it is clear that cases of criminalization information is facilitated and there is a total openness to listen. While in the case of Ramón Choc’s murder, the family has hardly any information about the processes. There is also no openness to speak with human rights organizations. They didn’t speak with the CCDA during the whole investigation, even though it could have given testimonies and clarifications that could have helped the prosecution to understand the motives behind the murder. You have to remind them that there are internal instructions within the institution to guide how their investigation should be conducted when it comes to crimes committed against human rights defenders, but they are never open to that kind of dialogue.”¹⁵²

149 Interview with Hugo Archila.

150 Interview with Jorge Luis Morales Cifuentes.

151 Interview with Lesbia Patricia Artola.

152 Interview with María Isabel Alonzo Martínez.

State of Exception

On September 4, 2019, the Government of Jimmy Morales decreed a State of Exception (SoE) for 30 days across 22 municipalities, almost half of which were located in the AV department: Tactic, Senahú, Tamahú, La Tinta, Tukurú, Cahabón, Panzós, Chahal and Fray Bartolomé de las Casas. These territories were then subject to a cessation in the freedoms of movement, action, assembly, demonstration and the carrying of arms, while the Executive was allowed to carry out arrests and interrogations.¹⁵³ The pretext for declaring the SoE was the fight against drug trafficking in the area, following the murder of three soldiers in the community of Semuy II (El Estor, Izabal). In his speech, Morales lashed out against human rights organizations, without specifying the sources on which this accusation was based: “The State of Guatemala repudiates the acts of people who hide behind flags of the pseudo defense of human rights. We have verified that many people in that region are linked to drug trafficking activities.”¹⁵⁴

José Chic, however, denounces that the document used to declare the SoE did not justify or even mention that the reason for the SoE was to combat drug trafficking, nor did it mention the death of the three soldiers.¹⁵⁵ In fact, other documents that were circulated relating to actions that should be taken during the SoE, gave more specific guidelines to the authorities about the “recovery of invaded national farms.”¹⁵⁶

“We saw that the army was deployed to protect the entrances and routes of mobilization for the activities of the companies. Their presence in the communities was felt strongly, particularly in terms of population control and the protection of economic activity.”¹⁵⁷

“The decree, from the outset, was terribly flawed and represents a violation of fundamental guarantees for failing to specify why these guarantees were being violated. It’s no coincidence that the SoE was declared in the municipalities that surround the Sierra de las Minas, a territory that has many African palm interests (Naturaceites) and mining linked to CGN, which are present in Cahabón, Senahú, Panzós and El Estor. It also allows the State to make purchases without any bidding, or going through the entire process established in the State Contracting Law, and this will benefit the return of political favors.”¹⁵⁸

“Nothing good can come of a SoE. People feel intimidated just by seeing the military, and that is the whole objective. They are doing this to pave the way for drug trafficking, not to stop it, and they are doing whatever they want. They come to repress, they have stopped our comrades who raise their voices, as if they had covered their mouths so that they say nothing. It’s like tying the hands of people who are in resistance.”¹⁵⁹

“Now we cannot hold meetings or protests until this stops. And hopefully it will stop because the president is doing whatever he wants. We are not drug addicts nor traffickers. We work for ourselves, looking after our crops. We should ask why they are coming after us when the drug traffickers are really in the government and on private estates.”¹⁶⁰

After being extended for another 30 days, the cessation of the SoE was declared on November 4. The Committee of Peasant Unity (CUC) reported that State forces were mobilized on October 9 to carry out a forced eviction

153 Escobar, I., *Jimmy Morales decreta Estado de Sitio en 22 municipios de 6 departamentos*, Prensa Libre, 04.09.2019.

154 Ibid.

155 Interview with José Chic.

156 Plan de Operaciones No. 47-2019 de la PNC, *Operaciones Policiales, Estado de Sitio*, 3ª Fase, Numeral 5º.

157 Interview with Laura Hurtado Paz y Paz.

158 Interview with María Isabel Alonzo Martínez.

159 Interview with Lesbia Patricia Artola.

160 Interview with Rosa Sub.

of 18 Q'eqchi' families in the community of San José el Tesoro (Cobán). During the eviction, which was carried out jointly with workers for the landowner Ponce Leal, animals were killed and the property of the families, such as solar panels and household supplies, were stolen.¹⁶¹ Although the use of a SoE to carry out this type of actions (when unrelated to national security) is strictly prohibited, these events technically took place within the period in which the renewal of the SoE was in process. However, the State asserts that everything was done legally, but social organizations condemn the context of intimidation and militarization in the region, as an enabling factor for certain groups to act with violence and impunity.¹⁶²

During this period, the State made multiple resource concessions, as well as 985 arrests, none of which was linked to drug trafficking groups or related to the death of the three soldiers, the justification for declaring the SoE.¹⁶³

Woman, Indigenous and Human Rights Defender

In previous chapters we have already highlighted how women in the communities are deeply concerned about the sale of land, as well as the entry into the territory and the actions of foreign companies that exploit their environments and disrupt the social fabric. However, when they decide to participate in the resistances and raise their voices, they encounter multiple obstacles. The first of these come from the family and community environment, as public spaces have traditionally been considered “men’s spaces.” This often discourages women and can expose them to being scorned and defamed in their own community.

“ There are still communities where women raising their voices causes considerable unease. It is not easy to accept a woman at the head of a community or organization, one who has made herself visible. There are many insults against women who participate in the resistances from within the communities themselves. There can be a lot of gossip, a lot of slander and defamations... women are discriminated against by the organizations themselves. They discriminate and insult her, physically and psychologically attack her. It’s difficult, you have to go over and above to demonstrate your ability for leadership and that you deserve respect.”¹⁶⁴

“The main thing that happens to women who assume an important role in communities, or raise their voices, is that they are stigmatized, not just for being human rights defenders, but for being women, because women are meant to stay with their children. It’s common for rumours to come out immediately about the women being romantically engaged with one of the other leaders etc. They are surrounded by aggression that have nothing to do with their defense of the land, but with judging them as women, who supposedly have no role in public life, so that they should stay in the private sphere. We have also seen that, despite the fact that women take part in the council of indigenous authorities in many communities, decision-making always remains in the hands of men. This happens as much in communities as in organizations.”¹⁶⁵

161 Agencia EcuMénica de Comunicación, *Denuncian violento desalojo estatal a comunidad maya q'eqchi' en Verapaz*, 11.10.2019.

162 Ibid.

163 Juárez, E., *Se acaba estado de Sitio en 22 municipios sin claridad en capturas*, La Hora, 04.11.2019.

164 Interview with Lesbia Patricia Artola.

165 Interview with María Isabel Alonzo Martínez.

“ The strategy is to criticize them in a very sexual way, because when a woman leaves her house they always ask what she’s doing on the street. Both men and women say that she’s a woman who doesn’t care for her family or children, who doesn’t respect her husband. They also criticize the husband for letting her out. Women’s situation in the communities is complicated. Their participation has been very slow because normally the men are the ones who have the money, and women have to ask their permission to pay for transport if they want go anywhere, for example. Although it has taken a lot of work, incorporating women as owners and co-owners of the land has helped them a lot to participate in the economic benefits as well. But it is difficult for them to leave that role, because they themselves find it hard to believe that they have the value and experience that men have.”¹⁶⁶

Furthermore, women bear multiple burdens as they remain responsible for everything related to the reproduction of life, such as, the care of the family and the home, so taking time for the defense of human rights is even more heroic, because it also takes its toll on their bodies, since they have no time left for rest.

“We have not seen men helping with these jobs yet. When we women go somewhere we always have to look for someone to take care of the children, and it will never be the husband. They stay close to their crops. When a woman marries going anywhere becomes a problem, people say they are ‘tied up’. And there has been no change in this regard. Many women are still afraid to go out, they don’t have time and they think that it would be like abandoning their children.”¹⁶⁷

“Here the responsibility for children falls to women, and the repression against the indigenous and campesino communities is also a great burden on them. For example, in the case of the criminalized colleagues who are now in prison, their wives are left to take care of the house and the family alone. We have a very great burden, because apart from defending our territories we defend the family too. If a man were to take care of the children and let her leave, that would be an achievement. There is still a lot of sexism. A woman is a mother, advocate, driver, even a doctor and a psychologist. She plays all the roles. If a woman wants to demonstrate that she has the capacity, she has to prove a lot and it is not easy.”¹⁶⁸

Despite all these obstacles, some women have managed to occupy leadership roles and become visible within the resistance. In these cases, the external aggression by landowners and companies use different strategies when gender is implicated. In an attempt to intimidate and silence women, they attack them through smear and stigmatization campaigns focusing on their traditional role as caregivers and their responsibilities for family welfare. They also threaten them with possible sexual assault. These constitute psychological and sexualized attacks that threaten their integrity and that of their families. Furthermore, aggressors see the family environment as a vulnerability through which they can also harm male human rights defenders, attacking the women in their families, often through sexual violence. They also use sexual violence against women human rights defenders, threatening to harm their children.

“For women, going to protests involves greater risks. It is quite different compared to the male leaders. They are stigmatized from within the community, but also by the local powers they are facing or challenging. The threats against their children are a terrifying strategy used to demobilize them. They use threats of surveillance against their loved ones and also threats of rape. More than threatening their power or position, they target the private sphere. Threatening women with sexual assault is always an easy to generate fear.”¹⁶⁹

¹⁶⁶ Interview with Sandra Cael.

¹⁶⁷ Ibid.

¹⁶⁸ Interview with Lesbia Patricia Artola.

¹⁶⁹ Interview with María Isabel Alonzo Martínez.



“ Men can be persecuted, criminalized or physically attacked, but sometimes words and insults hurt more than a blow to the face. And the enemy knows that very well. Women are subject to surveillance and threats in horrible ways: they send images of where their children go to school, saying that something is going to happen to them, or they send threats that they are going to rape and kill you. I have experienced this and I have seen how they intimidate my colleagues. It is very different from how we are intimidated as women, they think that we are very weak and that anything will scare us. We are not weak, but we have feelings and we are very hurt by these verbal attacks.”¹⁷⁰

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Women’s defense of human rights and the territory is full of obstacles, difficulties and serious risks that threaten their physical, psychological and emotional integrity. But despite this, they continue to mobilize, with great efforts and sacrifices. They show their faces and have the confidence of their comrades when it comes to solving problems and advancing the resistance. In the case of organizations such as AVECHAV, CCDA or UVOC, they occupy prominent positions in the coordination and representation of campesino and indigenous voices, as an essential part of defending their rights. They remain clear that it is essential to continue fighting so that women have the courage to take part in these defense and resistance processes, and so that they can put their problems and points of view on the agenda. They are convinced that it is possible to break the rigidity of traditional gender roles, so that both women and men can participate in the public and private spheres.

“We must recognize the conscience of women, the value and respect they have for our Mother Earth. Now that the participation of men and women in the communities has been seen, we have noticed a great change. It has not been easy for me to be here, in front of all my colleagues. But I feel their respect when they trust me in proposing solutions for them, and it gives great satisfaction to see that they trust us so much. Despite the intimidation, danger and threats, which create fear, we know that if we fall there are many more who fall with us, and that many of the situations we experience would be ignored without us. The commitment to having managed to be here leading, having achieved all that respect, is the pride of a woman.”¹⁷¹

¹⁷⁰ Interview with Lesbia Patricia Artola.

¹⁷¹ Ibid.



“ I’m a clear example: in my community we are also fighting to regularize our land. And when I was elected, half of the men did not agree that I should represent the community. They left me very alone for a year, saying that I couldn’t do anything, they didn’t go to the meetings, or they came and only shouted. As time went by, and as we moved forward with the work, they came to re-elect me and now we are seeing how we can solve our problems. It has been, and continues to be difficult, because only some men have changed their way of thinking. Right now we are holding training for young men, because we are seeing that there may be changes. We talk about gender and equality, how our ancestral thinking made space for women, because before we worked together. What we always say in the organization is that we must continue to strengthen ourselves and continue to see how we can unite with other women and take care of ourselves. Because many times we do a thousand things minus taking care of ourselves.”¹⁷²

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“In the end, yes, many women are participating. We have been listened to and we can speak up and speak for our women’s voices. The board is now almost all women, and the families have given us a lot of confidence that we can represent them. I would tell the women that’s the way.”¹⁷³

“When the conflict was ending, the ILO Convention 169 began to be regulated and following the Peace Accords, we women began an organization with the objective of fighting for the land. The soldiers came after us for that, but then we started looking for other women who had also been organizing, when they returned after the war. They already had clear ideas and had formed a women’s committee. Then in Cahabón we had a group of women who began to knit and also talk about rights and about how women can advocate and participate in demonstrations. But women have had a hard time participating in anything. Sometimes it is only when we are alone that we can talk, and I want us to go out and not be afraid, to fight and say what we think, what we do not want for our peoples. Now many women have already begun attending the assemblies and demonstrations. And at the same men are placing more trust in us, showing that they want women leaders.”¹⁷⁴

¹⁷² Interview with Sandra Cael.

¹⁷³ Interview with Olivia Sierra Max.

¹⁷⁴ Interview with Rosa Sub.

Glossary of Acronyms

AAdP	Peace Accords (Acuerdos de Paz)
AASESA	Agreement on Social and Economic Aspects and Agrarian Situation (Acuerdo sobre Aspectos Socioeconómicos y Situación Agraria)
AdPPD	Agreement on Firm and Lasting Peace (Acuerdo de Paz Firme y Duradero)
AIDPI	Agreement on Identity and Rights of Indigenous Peoples (Acuerdo sobre Identidad y Derechos de los Pueblos Indígenas)
AV	Alta Verapaz
AVECHAV	Chicoyogüito Neighborhood Association of Alta Verapaz (Asociación de Vecinos de Chicoyogüito de Alta Verapaz)
BDH	Human Rights Law Firm (Bufete Jurídico de Derechos Humanos)
CACIF	Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras)
IAC	Internal Armed Conflict
CC	Constitutional Court
CCDA	Community Council of the Highlands – Las Verapaces (Comité Campesino del Altiplano - Las Verapaces)
CEH	Commission for Historical Clarification (Comisión para el Esclarecimiento Histórico)
CICIG	International Commission Against Impunity in Guatemala (Comisión Internacional contra la Impunidad en Guatemala)
COCODE	Community Development Council (Consejo Comunitario de Desarrollo)
CONAP	National Protected Areas Council (Consejo Nacional de Áreas Protegidas)
COPREDEH	Presidential Human Rights Commission (Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos)
CREOMPAZ	Centre for Regional Peacekeeping Operations (Centro Regional de Operaciones para el Mantenimiento de La Paz)
CSJ	Supreme Court of Justice (Corte Suprema de Justicia)
CUC	Campesino Unity Committee (Comité de Unidad Campesina)
ECAS	Associative Campesino Companies (Empresas Campesinas Asociativas)
SoE	State of Exception
FONTIERRAS	Land Fund (Fondo de Tierras)
FTN	Northern Transversal Strip (Franja Transversal del Norte)
ILC	International Land Coalition
INAB	National Forestry Institute (Instituto Nacional de Bosques)
INE	National Statistics Institute (Instituto nacional de Estadística)
INTA	National Institute for Agrarian Transformation (Instituto Nacional de Transformación Agraria)
LAP	La won Protected Areas (Ley de Áreas Protegidas)
MAGA	Ministry of Agriculture, Livestock and Food (Ministerio de Agricultura, Ganadería y Alimentación)
MARN	Ministry for the Environment and Natural Resources (Ministerio de Ambiente y Recursos Naturales)
MEM	Ministry of Energy and Mines (Ministerio de Energía y Minas)
MinGob	Ministry of the Interior (Ministerio de Gobernación)
MP	Public Prosecutor's Office (Ministerio Público)
OHCHR	Office of the United Nations High Commissioner for Human Rights
ILO	International Labor Organization
UN	United Nations
PAC	Civil Self-defense Patrols (Patrullas de Autodefensa Civil)
PDH	Human Rights Ombudsman's Office (Procuraduría de Derechos Humanos)
PNC	National Civil Police (Policía Nacional Civil)
PBI	Peace Brigades International
RIC	Land Registry (Registro de Información Catastral)
SAA	Secretariat for Agrarian Issues (Secretaría de Asuntos Agrarios)
UDEFEQUA	Human Rights Defenders Protection Unit (Unidad de Protección a Defensoras y Defensores de Derechos Humanos)
UNE	National Unity of Hope (Unidad Nacional de la Esperanza)
UVOC	Union of Campesino Organisations for the Verapaces UVOC (Unión Verapacense de Organizaciones Campesinas)

Bibliography and other sources cited

Agencia EcuMénica de Comunicación, *Denuncian violento desalojo estatal a comunidad maya q'eqchi' en Verapaz*, 11.10.2019.

Alianza Rompiendo el Silencio y la Impunidad, *Estudio histórico sobre la propiedad agraria y situación socio-económica de la comunidad Sepur Zarco y comunidades vecinas*. Guatemala, 2013.

Batres, Rodrigo, *Ocupaciones de fincas: La expresión de la histórica concentración de la tierra en Guatemala*. Revista Enfoque n°17. Guatemala, 2011.

CALDH, *Caso Zona Militar #21 – CREOMPAZ*, 26.04.2018.

Castillo Huertas, A., *Las mujeres y la tierra en Guatemala: entre el colonialismo y el mercado neoliberal*, Servi Prensa. Guatemala, 2015.

Colectivo Ecologista Madre Selva: http://madreselva.org.gt/?page_id=129

Comisión Internacional contra la Impunidad en Guatemala (CICIG), *Una mirada a la justicia y el Estado en Guatemala*. Guatemala, 2018.

Comisión para el Esclarecimiento Histórico (CEH), *Guatemala, memoria del silencio*. UNOPS, Guatemala, 1999.

Comunicado de la Plataforma por la defensa de la Tierra y el Territorio de Guatemala, 05.09.2019.

Comunicado del CCDA en el Primer Congreso Nacional Agrario, Guatemala, 20.10.2019.

CONAP, *Riesgos de la agroindustria de palma africana para las áreas protegidas y diversidad biológica en Guatemala*. Guatemala, 2017. p.2

CONGCOOP, Castro, J., Sánchez, A., Paau, S., Action Aid y Pastoral de la Tierra de San Marcos, *Situación de DDHH de los pueblos indígenas en el contexto de las actividades de las agroindustrias de palma aceitera en Guatemala*. Guatemala, 2015.

CortelDH, Sentencia de la Corte Interamericana de Derechos Humanos en el caso *Masacres de Río Negro vs. Guatemala*, 04.09.2012.

Diego Vásquez Monterroso, *La investigación sirve: los q'eqchi', El Estor y la larga historia comunitaria maya*. Plaza Pública, 02.10.2019.

Ecologistas en Acción, *El IBEX 35 en guerra contra la vida. Transnacionales españolas y conflictos socioecológicos en América Latina. Un análisis ecofeminista*. Caso: El grupo ACS

y la construcción del complejo hidroeléctrico Renace. Madrid, 2018.

Escobar, I., *Buscan en Zona 16 a Edgar Ovalle, prófugo por caso Creompaz*, Prensa Libre, Guatemala, 07.12.2018.

Escobar, I., *Jimmy Morales decreta Estado de Sitio en 22 municipios de 6 departamentos*, Prensa Libre, 04.09.2019.

Flores, L., *Cuestionan los escasos avances en materia rural*, La Hora, 19.01.2009.

FONTIERRAS, <https://fontierras.gob.gt/>.

Palencia, T., *Cero punto Cero. Estado de los derechos de los pueblos indígenas en Guatemala a 20 años de la firma de la Paz*, Guatemala, febrero 2017

González Chávez, M. P., *La impunidad y la Justicia Transicional en la historia reciente de Guatemala: hacia un Estado democrático de derecho*. UNAM, México, 2017.

González-Izás, M., *Modernización capitalista, racismo y violencia. Guatemala (1750-1930)*. CDM, México, 2014.

Hurtado Paz y Paz, L., *Dinámicas agrarias y reproducción campesina en la globalización: el caso de Alta Verapaz 1970-2007*, F&G Editores, Guatemala, 2008.

Hurtado Paz y Paz, L., *La histórica disputa de las tierras del Valle del Polochic: estudio sobre la propiedad agraria*. Prólogo de Gustavo Palma Murga. Serviprensa, Guatemala, 2014.

Hurtado Paz y Paz, L., *Las plantaciones para agrocombustibles y la pérdida de tierras para la producción de alimentos en Guatemala*, Action Aid, Guatemala, 2008.

Hurtado Paz y Paz, L., *Los Programas de Colonización y el Estado contrainsurgente en Guatemala*, 2018 (no publicado).

Instituto de la Defensa Pública Penal (IDPP), *Módulo sobre los Mecanismos de Simplificación y de Salida al Procedimiento Común*, Guatemala (documento on-line)

Instituto Nacional de Estadística (INE), *Censo de población y vivienda 2018*.

Instituto Nacional de Estadística (INE), *República de Guatemala: Encuesta Nacional de Condiciones de Vida 2014*.

Intervención de Ana Rutilia Caal Choc como querellante en el caso Renace ante la Corte Constitucionalidad. Vista pública No 144-2019, 23.10.2019.

Investigación, *Los favores del MARN a la hidroeléctrica Pontilá*, El Periódico, 29.01.2017.

Juárez, E., *Se acaba estado de Sitio en 22 municipios sin claridad en capturas*, La Hora, 04.11.2019.

Kapuscinski, R., *Cristo con un fusil al hombro*. ANAGRAMA, Barcelona, 2010. p. 125

- López Barrientos, M., *Las comunidades Q'eqchi' y las áreas protegidas en Livingston, Izabal. Insumos para un análisis de correlación de fuerzas*. Asociación para el Avance de las Ciencias Sociales en Guatemala AVANCSO, Guatemala, 2009
- Madridejos, A., *El aceite de palma es una de las principales causas de deforestación del planeta*, El Periódico, 06.04.2017.
- Martínez Peláez, S., *La Patria del Criollo*. EEM, Guatemala, 1994, p.143.
- Ministerio de Energía y Minas, *Índice de Cobertura Eléctrica 2016*.
- Miranda López, I., *Mejora de la Gobernanza de la Tierra en Guatemala*, Febrero de 2015
- OACNUDH, *Informe de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos sobre las actividades de la Oficina del Alto Comisionado en Guatemala 2018*, 2019.
- OACNUDH, *Los desalojos en el Valle del Polochic Una mirada a la problemática agraria y a la defensa de los derechos humanos de las comunidades q'eqchi's*, Guatemala, 2013.
- OHCHR, Guatemala: UN Experts Concerned About Conviction of Indigenous Leader in Retaliation for Opposition to Oxec Hydroelectric Project, Ginebra, 19.12.2018
- PBI, *Entrevista a Bernardo Caal Xol, defensor del río Cahabón*. Boletín n° 39, PBI Guatemala, 2018. p. 8
- PBI, *Escalada de criminalización y órdenes de captura contra defensores en Alta Verapaz*. Boletín n° 41, PBI Guatemala, 2019.
- PDH y OACNUDH, *Situación de las personas defensoras de derechos humanos en Guatemala: Entre el compromiso y la adversidad*, Guatemala, 21.05.2019.
- Plan de Operaciones No. 47-2019 de la PNC, *Operaciones Policiales, Estado de Sitio, 3ª Fase, Numeral 5º*.
- PNUD, *El derecho a la vida: las mujeres y el acceso a la tierra*, 16.02.2017
- Pradilla, A., *El "error" de Oxec: dinero y ayuda a las comunidades a cambio de rechazar a grupos contrarios a su hidroeléctrica*, Plaza Pública, 24.08.2017.
- Prensa Comunitaria, *Empresas extractoras de níquel e hidroeléctricas generan conflictividad en la comunidades indígenas de Alta Verapaz*, 05.04.2013.
- Ramos, J. y Toc, M., *Corte suspende hidroeléctrica Pontilá en Alta Verapaz*, Prensa Libre, 08.06.2017
- Resolución del Parlamento Europeo sobre el aceite de palma y la deforestación de las selvas tropicales (2016/2222), 04.04.2017:
- Rodríguez-Carmona, A y De Luis Romero, E., *Hidroeléctricas insaciables en Guatemala: Una investigación del impacto de Hidro Santa Cruz y Renace en los derechos humanos de pueblos indígenas*, 2016.
- RRPP Guatemala, International Land Coalition América Latina y el Caribe firma carta de entendimiento con la SAA, 20.05.2017.
- Sanford, V., *La masacre de Panzós: etnicidad, tierra y violencia en Guatemala*. F&G Editores, Guatemala, 2009.
- Solano, L., *El mercado de los agrocombustibles: Destino de la producción de caña de azúcar y palma africana de Guatemala*. Action Aid, Guatemala, 2010; p. 58.
- Tribunal Primero de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente, Guatemala, Sentencia C-01076-2012-00021 Of. 2º, 26.02.2016.
- UDEFEGUA, *Informe anual 2018: Situación de Defensoras y Defensores de Derechos Humanos en Guatemala*. Guatemala, 2019.
- UDEFEGUA, *Informe sobre la Criminalización en Guatemala: análisis de situación 2012-2017*, noviembre 2017.
- UICN, INAB, *Plan Maestro del Parque Nacional Laguna Lachúa*, 1999.
- Vásquez Monterroso, D., *La investigación sirve: los q'eqchi', El Estor y la larga historia comunitaria maya*, Plaza Pública, 02.10.2019.
- Virgili Recasens, E., *La defensa del territorio y los derechos humanos en Petén: Resistir frente a megaproyectos, una actividad de alto riesgo*, PBI Guatemala, 2016.
- Wilson, R. *Resurgimiento Maya en Guatemala: experiencias q'eqchi'es*. CIRMA, Antigua Guatemala, 1999.

Interviews

Carlos Morales, coordinator of UVOC, Tactic, 17.10.2019.

Esteban Emanuel Celada Flores, in the moment of the interview lawyer with the Centre for Legal Action on Human Rights (CALDH), Guatemala City, 04.10.2019.

Hugo Leonel Archila Archila, lawyer of the Human Rights Law Firm, Guatemala City, 07.10.2019.

Jorge Luis Morales Cifuentes, lawyer of UVOC, Guatemala City, 10.10.2019.

José Chic, national coordination of CCDA, Guatemala City, 09.10.2019.

Julio Rodolfo González Gutiérrez, of Ecological Collective Madre Selva, Guatemala City, 07.10.2019.

Laura Hurtado Paz y Paz, Country director of Action Aid Guatemala, Guatemala City, 26.10.2019,

Lesbia Patricia Artola, coordinator CCDA – Las Verapaces, Cobán, 14.10.2019.

Lourdes Gómez, Junior Investigator of the Instituto de Estudios agrarios y rurales (IDEAR), Cobán, 15.10.2019.

María Isabel Alonzo Martínez, Legal Assistance UDEFEGUA, Guatemala City, 11.10.2019.

Olivia Sierra Max, President of AVECHAV, Cobán, 15.10.2019.

Rosa Sub, member of the Pacific Resistance of Cahabón, Santa María Cahabón, 18.10.2019.

Sandra Calel, coordinator of the women's commission of UVOC, Tactic, 17.10.2019.

Santiago Choc Cú, lawyer of the Human Rights Law Firm, Guatemala City, 07.10.2019.



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