

DEFENCE OF TERRITORY AND HUMAN RIGHTS IN PETEN

**Resisting mega projects,
a high risk activity**



pbi

making space for peace

**Defence of territory and human rights in Petén:
Resisting mega projects, a high risk activity**

Author: Eva Virgilli Recasens

Coordination: Amaya de Miguel Vallés

Support to the production of the report: Silvia Weber

Translation: Adam Paul Lunn

Published and distributed: PBI Guatemala

Photos: PBI 2014-2015

Design: Rubén Carricondo

June 2016



Creative Common: This work has been published under Creative Commons's licence. It is allowed the total or partial reproduction of this publication provided it is without means of profit, the source is mentioned and PBI Guatemala is notified about the use (mail to coordinacion@pbi-guatemala.org).

INDEX

1. Brief history: Petén, no man's land?	4
1.1. The XX century: from state colonization to conservation	4
1.2. The XXI century and the expansion of mega projects in the region	6
2. Communities in Resistance: Laguna del Tigre and Sierra del Lacandon	7
2.1. Between Forced evictions and cooperation agreements	7
2.2. Obstacles to defending human rights	11
3. Living among palm trees	11
3.1. Ecocide in the river La Pasión	13



Since 2007, Peace Brigades International (PBI) has carried out 1 or 2 trips a year to the Petén, in order to monitor the human rights situation in this department. In each of these journeys PBI looks at different challenges facing communities and individuals within them, especially those whose work focuses on defending human rights. In 2015, these trips focused on learning more about the communities inhabiting the Protected Areas of the *Sierra del Lacandon* and the *Laguna del Tigre*. Also, PBI had the opportunity to talk to some of the people affected by the environmental disaster that occurred at the Pasión River, for which the company *Reforestadora de Palma de Petén SA (REPSA)* has been blamed.

This article aims to raise the profile of struggles and community resistance in defence of economic, social, cultural and environmental rights, in defence of life and the land in the face of state policies and extractivist mega projects implemented without free, prior and informed consultation of the affected communities. The article also wants to show the situation and challenges that human rights defenders face.

Brief history: Petén, no man's land?

Petén, in the north of Guatemala, is the largest department of the country, while at the same time one of the most forgotten. Traditionally, governments considered Petén to be a national farm reserve, where state presence has been minimal. Today state presence remains weak, in stark contrast with the number of army troops in the region, where 12 military detachments are located as well as the Green Battalion and the Kaibil training school¹, making the army the institution with the largest presence in the department.

Until the mid-nineteenth century the population of Petén was very small. At that time the first migratory groups of maya *Q'eqchi'* came, looking for land to work. People also came from various parts of Guatemala and Mexico, looking for jobs in the rubber industry.

The XX century: from state colonization to conservation

In the 1960s, the Guatemalan State began its interest in the 35,854 km² that make up Petén and, thereafter, began to derive economic benefit from the region. Through the Decree Law 1286-1959 the state created the Enterprise for the Economic Promotion and Development of Petén (FYDEP), with the aim of promoting population growth, by creating settlements, agricultural cooperatives and new communities. At the same time, big capital began to arrive in Petén. *Areas of land of 450 hectares or more were delivered with full legal certainty to businesses and professionals from Guatemala City and Cobán, politicians, members of the Army and medium-scale farmers from the east of the country; while the thousands of campesinos were given only 45 hectares which were granted without legal certainty*². The campesinos who did not get titles to their lands, and 47 years later, are still considered illegal squatters.

Consequently, Petén was divided into two areas: the south of parallel 17° 10', which was conceived as an area for growing beans and maize for domestic consumption, as well as a livestock area, large tracts of land in south Petén were sold to wealthy ranchers. North of this parallel, became a national reserve to logging concessions and industrial companies³.

In addition, the opening of new roads and the creation of an imaginary of Petén, as a region of unlimited agricultural frontier, attracted many people from other departments. The limited migration, temporally and spatially,

1. The Kaibiles are the elite corps of the Army of Guatemala, trained to carry out special operations and intelligence. International organizations and institutions, such as Amnesty International (AI) and the Inter-American Court of Human Rights (CIDH), have denounced human rights violations perpetrated by soldiers belonging to this body. One example is the judgement of 24 November the Commission on the Case of the Dos Erres Massacre vs. Guatemala.

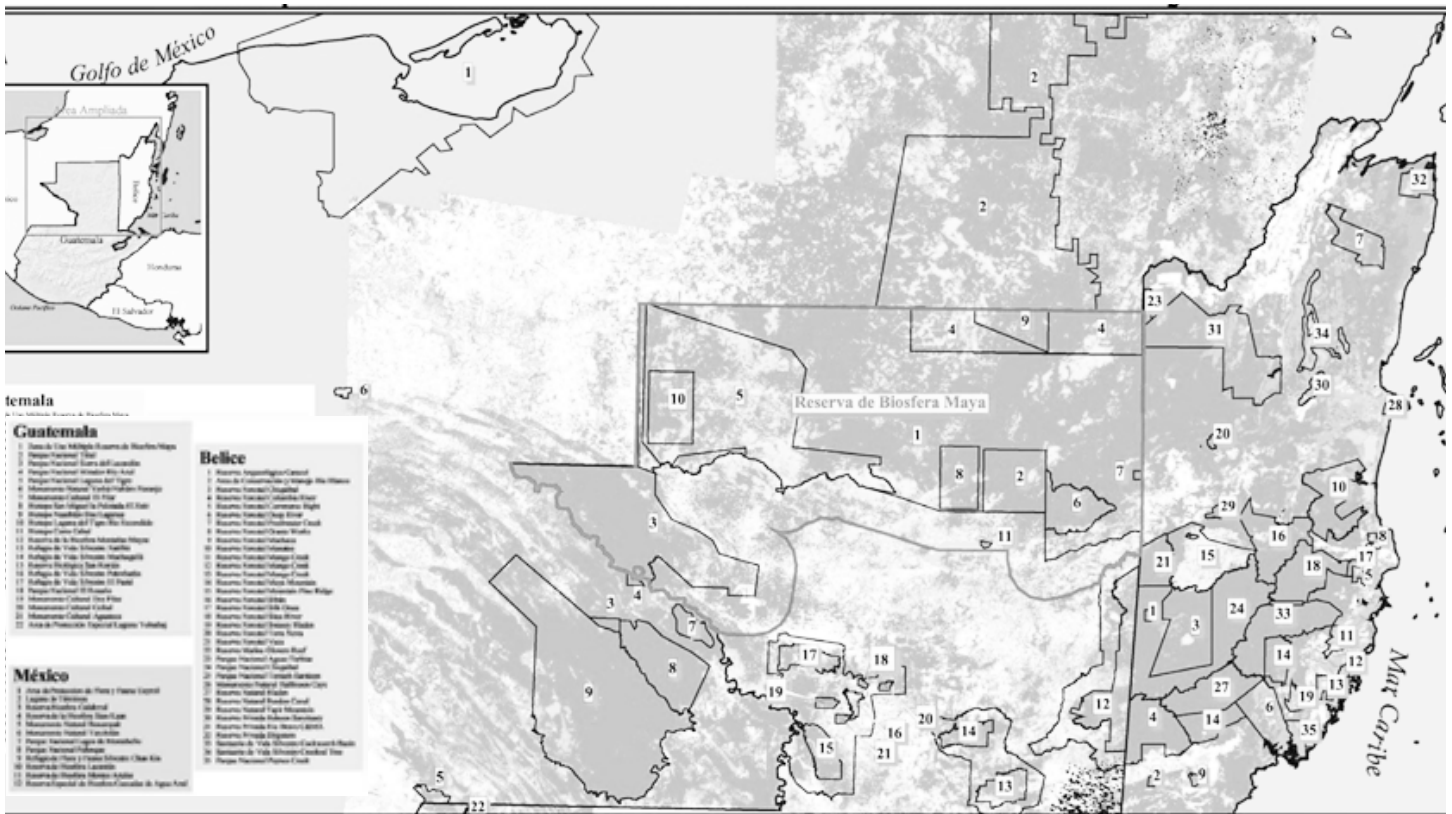
2. Hurtado, M., Petén: ¿La última frontera? Construcción social de una región, FLACSO, Guatemala 2010, p. 94.

3. AA.VV, Tierra e Igualdad. Desafíos para la Administración de Tierras en Petén, Departamento de Agricultura y Desarrollo Rural para América Latina (LSCAR) del Banco Mundial, Guatemala 2012.

which the FYDEP had defined, became uncontrolled migration. The National Protected Areas Council (CONAP), considers the FYDEP project a failure, because it triggered an uncontrolled and massive colonization that did not lead to sustainable development, it neither guaranteed natural stability nor an orderly and equitable access for human groups and their proper insertion into the national economy⁴. In 1986 the FYDEP was dissolved leaving behind problems concerning land titling.

Subsequently, the State of Guatemala launched a new project for Petén, this time with conservationist purposes, in an international context of creating legal frameworks for the protection and conservation of the environment. The new project was part of the Legislative Decree 4-89, the Protected Areas Law (LAP), which is administered by CONAP. One year later, through Legislative Decree 5-90, the Maya Biosphere Reserve (MBR) was created. The MBR is an area covering 2,112,940 hectares and covers parts of the municipalities of Melchor de Mencos, Flores, San Jose, San Andres and La Libertad.

Thus, the 78.79% of Petén became a Protected Area, the largest in Central America. The population that would be affected was never informed nor consulted about the scope of this law. It was not until years later that they realized that their land had been declared protected, and had been brought under a management regime that limits the regulation of land tenure⁵.



The Maya Biosphere Reserve in the context of the Maya forest.
 Source: CONAP, Plan Maestro Reserva de la Biosfera Maya 2011-2006, Guatemala 2011

4. CONAP AREAS, Política Marco de Concesiones para el manejo integral de recursos naturales en áreas protegidas de Petén: Documentos de políticas, programas y proyectos, Documento No. 38, Guatemala September 2002.

5. Interview with Ruben Dominguez, a member of the Human Rights Law Firm (BJDH), 10.02.2015. Since 2011 the BJDH accompanies legally 20 communities in the Laguna del Tigre and Sierra del Lacandon. In 2013 they initiated a training project for community leaders, in order to strengthen them in their struggles to defend the right to life and human rights in the region.

The project was imposed from above, and collided with the interests, projects and ways of life of the population. This aggravated existing issues, such as the constant migration of poor peasants, the presence of communities from before the declaration, and the interests of different groups of elites; economic, military, ranchers, loggers and drug traffickers. Situations, interests and projects that, in the opinion of sociologist Hurtado, were never resolved due to a lack of political will⁶.

These state policies left behind a department that, together with Alta Verapaz and Izabal, has the highest rates of land conflicts in the country. In 2011 the Secretary of Agrarian Affairs recorded a total of 157 agrarian conflicts in Petén, 20 of which were located in the Protected Areas. Since the enactment of the LAP and the MBR, the agrarian conflict between the inhabitants of the MBR and CONAP became permanent. In addition, the Land Fund Act passed in 1999, prohibited the legalization of land in the Protected Areas⁷. However, in many cases the communities demonstrated that prior to the adoption of this law they had already initiated regulatory proceedings, which in many cases, as Ruben Dominguez points out, were ignored by the State.

Under existing law, people living in those communities were left without the right to become owners of their land, this applies whether it was land that had belonged to them historically, land which was given to them by the State itself under different processes of colonization, or if they had been relocated there by the Army within their plans relocation of populations during the internal armed conflict⁸.

For Margarita Hurtado, both the state initiatives of FYDEP and Protected Areas have been a disaster, as the inhabitants of the department remain without decent living conditions, *the paradox is that while it has raised awareness about environmental problems among the population, the major economic and political powers linked to drug traffickers, large landowners and ranchers, [as well as] a series of people linked to large international networks of organized (...) crime, continue to work in complete impunity in the region which reinforces the landscape of rampant capitalization and democratic solitude*⁹.

The XXI century and the expansion of mega projects in the region

Laura Hurtado considers that the new global economic activities (monocultures for agro fuel, oil and mining, large hydroelectric dams, logging and tourism projects) are responsible for and promote the social restructuring which the agriculture industry has undergone. As a result of this restructuring, thousands of peasant families have been pressured into selling their plots to African palm oil companies¹⁰.

In Petén, as in the rest of Guatemala, there are several examples of these new activities. These projects include the construction of hydroelectric dams on the Usumacinta River, tourist mega projects such as *4 Balam*, oil exploitation by Perenco (located in the heart of the MBR), and African palm oil plantations.

In response to this sprawl of mega projects more and more human rights organisations and defenders are demanding respect for their fundamental human rights and are working to protect land, territory and the natural resources of their communities.

6. Hurtado, M., Op. Cit.

7. Decreto Legislativo 24-99, Arts. 8 y 45

8. AA.VV, Op. Cit. p. 91-92

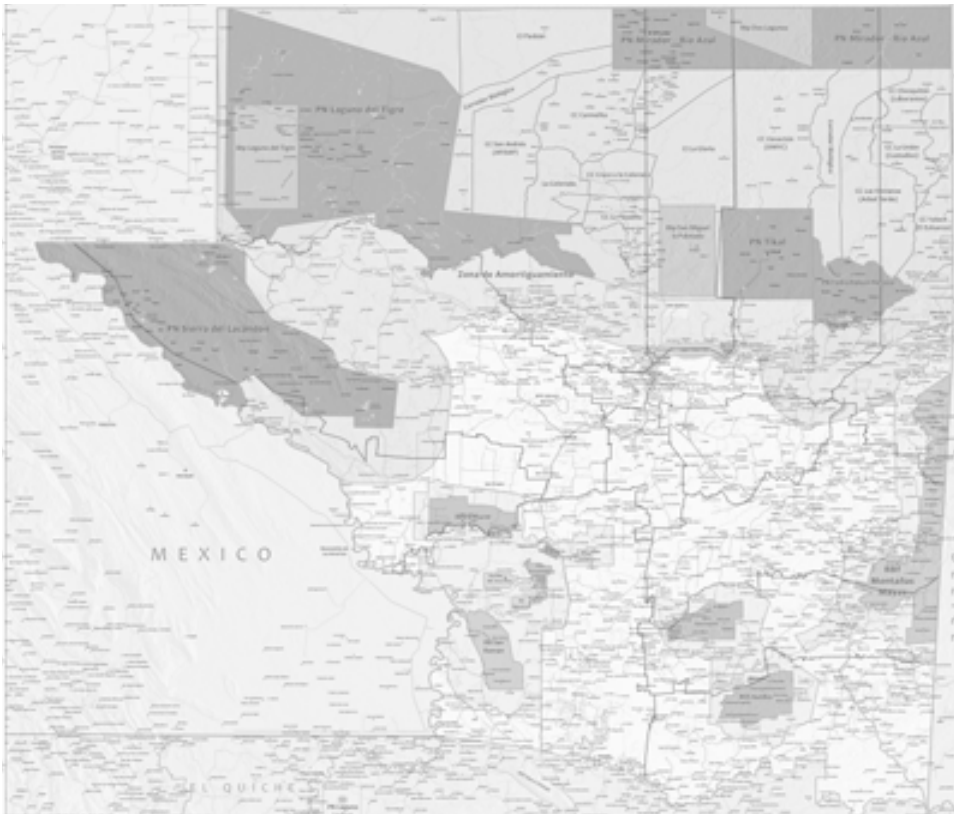
9. Hurtado, M., Op. Cit. p. 124

10. Ibídem.

Communities in Resistance: *Laguna del Tigre* and *Sierra del Lacandon*

Between Forced evictions and cooperation agreements

The areas of *Laguna del Tigre*, municipality of San Andrés, and the *Sierra del Lacandon*, municipality of La Libertad, were integrated into the MBR in the 1990s. The LAP established regulations for human settlements in these areas, creating different zonings. These range from core zones where human settlements, agricultural and livestock development are prohibited, through to *multipurpose areas* or *buffer zones*, where activity and human settlements are allowed on the condition that people adapt their permanence in them through *Cooperation Agreements*.



The Maya Biosphere Reserve. Base map. Source: *Centro de Monitoreo y Evaluación del CONAP Region VIII, Petén, Guatemala, August 2012*

On numerous occasions it has been said that communities currently living in the *Laguna del Tigre* and *Sierra del Lacandon*, arrived in the area after the creation of the MBR. However, Ruben Dominguez says that many of the existing communities were established between 1960 and 1980. They settled there, mainly because they were previously landless or were being exploited by the large landowners. More recently, the internal armed conflict in Guatemala saw massive displacements of the population. According to Dominguez, the problem facing these communities is that there is no legal certainty for the land on which they are based. The law states that the families living on these lands should not be there as it is in a *core zone* or *multipurpose area* of the Protected Area. In addition, Dominguez notes that the Cooperation Agreements are administrative instruments, implemented unilaterally by CONAP to tolerate the indefinite stay of the population in those areas, until they get permission to carry out an eviction. On that account, he notes that *the few communities that have signed Cooperation Agreements are not protected from being evicted and are in the same abandonment, facing criminalization and subject to arbitrary arrests by the combined forces*¹¹.

11. The Combined Forces are patrols made up of military forces, members of the National Civil Police as well as CONAP and DIPRONA.

In the same vein, Cándido Gerardo Reyes, a member of the collective Recovery of Historical Memory in Petén (REHMI)¹², says that theirs is a just cause and they are clear that human rights violations of people and communities are taking place. For Reyes, most of the communities in the *Laguna del Tigre* and *Sierra del Lacandon* were already living there before the declaration of the LAP, and therefore they should have been consulted over whether they wanted to be in a Protected Area or not. He explains that this has been their struggle because the declaration of Protected Areas has negatively affected the campesinos, but not effected big companies like Perenco, which is legally protected by the State and defended by the military. He says the company enjoys complete freedom of movement to transport its chemical and construction materials, however, farmers are not able to even pass a checkpoint with a hoe, a shovel, a machete, a pump to fumigate crops, building materials for housing, etc., as this is completely restricted and prohibited by the State through CONAP, resulting in a case of total inequality and neglect of the peasantry.

PERENCO Guatemala Limited is the most emblematic case. Perenco, an oil company, is located in the core zone of the *Laguna del Tigre* National Park (PNLT) and has operated since 1985. In 2010 the operating contract expired, but the State of Guatemala reformed a law that allowed the extension of oil contract for 15 more years. Various organizations and institutions submitted reports and constitutional challenges against the government decision. However, the State proceeded with the contract extension in favour of PERENCO. According to the ICJ *in an area where there is one of the most important wetlands on the continent. Even under the RAMSAR Convention, the oil industry should not have been authorized in the first place*¹³. Communities publicly denounced to the United Nations General Assembly in February 2015, oil spills, which have left land unsuitable for cultivation, livestock deaths and water pollution. In addition, they claim that the ferry that crosses the river and guarantees access the nearest health centre is operated by Perenco, running only between 8am and 5pm, thus accentuating the isolation of communities and underlining the abandonment of the State, which does not guarantee *access to health, education, and clean water, nor the legal certainty of peasant communities established in the area*¹⁴.

After the entry into force of the LAP, the communities in these areas were considered by the CONAP as *usurper or squatter communities* and subjected to forced evictions. This practice intensified between 2009 and the second half of 2010, when they evicted the communities of La Colorada, San Andres, El Florido, Centro I, Las Cruces and La Nueva Esperanza. According to the International Commission of Jurists (ICJ), these evictions did not meet the international standards set in *Basic Principles and Guidelines on Evictions and Displacement Development* of the United Nations¹⁵. The evicted population was displaced and there was no plan of relocation and compensation for property lost during the eviction. For example, Centro I, a community located, since the 1980s, in the *Sierra del Lacandon*, was violently evicted on 16 June 2009 and today, seven years later, has not yet been relocated. For Ruben Dominguez *the worst thing is that several of the people who were displaced have already died and many children suffer from malnutrition, which shows an important humanitarian crisis*.

12. Interview with Cándido Gerardo Reyes, 01.10.2015. The collective Recovery of Historical Memory in Petén (REHMI) began investigating human rights violations during the internal armed conflict in Petén. Result of work with communities and eviction threats in the region, currently representing 37 communities in the LT and the SL 19 living under threat of eviction.

13. ICJ, Acceso a la justicia: El Caso de las Comunidades de los municipios de San Andres and La Libertad, Petén, Guatemala 2012, p. 17.

14. Written statement submitted by France Libertés: Fondation Danielle Mitterrand, American Association of Jurists, Emmanus International Association, non-governmental organizations in special consultative status with the United Nations General Assembly on 24 February 2015.

http://www.france-libertes.org/IMG/pdf/decla_guatemala_-_violacion_dh_en_el_Petén_-_marzo_2015.pdf

15. ICJ. Op. Cit.

Chickens, pigs and other domestic animals are seized, consumed and used by the army or the police, while community buildings such as schools and health centres are taken from communities. *On occasion these buildings have served the army as detachments to supposedly fight organized crime, drug trafficking and other authorities operating illegally within protected areas*, explains Ruben Dominguez. Moreover, according to Silvia Valenzuela, representative of Caritas Switzerland in Guatemala, the drama of evictions affects families and especially women. It is the women which often have small businesses, community shops or look after the animals. With evictions women are deprived of economic income and their livestock, they are suddenly impoverished; left without land, without income and without humanitarian assistance of the State¹⁶.



Ruben Dominguez. Lawyer of the Human Rights Law Firm Guatemala.

Eviction is a constant threat to many communities. El Florido, located in the *Laguna del Tigre*, suffered an attempted eviction on 3 June 2015. However, according to the Attorney Dominguez, more commonplace in the Protected Areas are *specific attacks against families or individuals, not evictions ordered by judges, actions that keep people in an atmosphere of despair that encourages them to leave. What we have seen are more arrests, imprisonments, destruction of crops and even military checkpoints, theft of property of the population, burning of houses ... they are outrageous attacks against the population. I think this is most evident in the political strategy of the state, taking away everything they can so that the people living there eventually become isolated and unable to maintain a subsistence livelihood in the area.*

Communities living in Protected Areas are required to regulate their existence in the territory through a contract with the CONAP or other entities that co-administer national parks. Cooperation Agreements, are an instrument that lay out the commitments made by the parties, identifying the activities that the population is permitted to carry out in the protected area, as well as limiting the boundaries of the community through a demarcation. While the purpose of these agreements is to regularize the situation of the population living in the Protected Areas, there is a strong social rejection of them. The causes of this rejection are:

a) Only communities that were settled in the area before the entry into force of the LAP (1989) can sign these agreements. This means that many groups are excluded: the population that returned to the territory after years of exile or internal displacement as a result of the internal armed conflict (1960-1996), or the population of southern Petén communities, which stripped of their lands by palm agribusiness, emigrates towards the *Laguna del Tigre* and *Sierra del Lacandon* in search of land to live¹⁷. According to Dominguez, communities that settled after the legal declaration, have only two possibilities as set out in the Policy on Human Settlements in Protected Areas; voluntary withdrawal or eviction. The lawyer believes that the CONAP has no way to determine with certainty who arrived after the declaration, so historical and anthropological studies that would help determine this should be carried out.

b) Lack of dialogue and consultation process with the communities living in the MBR. As Ruben Dominguez points out, the Cooperation Agreements were *unilaterally drawn up by CONAP and people were not consulted on how much land a family needs to live, or on other aspects.*

¹⁶. Interview with Silvia E. Valenzuela Helguera, 02.10.2015. Caritas Switzerland has various projects in Guatemala and works directly with displaced populations in Petén.

¹⁷. PBI Guatemala, Petén: comunidades desplazadas en áreas protegidas, Guatemala 2014, p 3-4.

c) Transfer of state responsibilities to communities. Candido Reyes puts it as follows: *a condition is imposed on the community to not allow another person to enter the area. And you ask yourself, if a family member comes along that does not have a place to live and here I have space, can I not share with him even a small a piece of land? This is very serious. The other thing that is difficult to achieve, is to prevent forest fires and to control of the population. There have been campaigns to promote family planning, with the intention of exterminating the future population.*

d) The Agreement does not grant legal certainty to communities over their lands, because *it is a document that gives no guarantee [in this regard] to contemplate the permanence of population and human settlements within the Protected Areas, said Dominguez.*

Demétrio García Nájara, member of REHMI also denounces the pressures put on communities to sign Cooperation Agreements *the community of Nueva Jerusalén has been told they will not receive development projects because they are rebels, who do not support government institutions, they were told that they would not be sent a teacher. These pressures towards the community aim to put a rope around their neck, the people themselves sign their own sentence to be legally evicted. They force you to sign the agreements to have schools in communities. This is what they do to communities in the Protected Areas. Worst of all is that some communities have signed and still have not received their basic services, they are just as bad off as before. So we do not believe that these agreements are the solution*¹⁸.



Demetrio García Nájara, Cándido Reyes and Guillermina Enríquez Corleto, members of REHMI Petén.

Human rights organizations, such as BJDH and REHMI association of Petén, are working hand in hand with communities living in the Protected Areas. The objective is to present an alternative proposal to the Cooperation Agreements to ensure the permanence of the communities in Protected Areas and, at the same time, ensure the conservation of biodiversity in the MBR. Candido Reyes and Ruben Dominguez explained that the proposal being developed are grounded in community experience and from a human rights framework. The proposal is comprehensive and inclusive, because communities know how to improve and protect the biodiversity of the area, but the state never wanted to include them in the improvement and protection of nature. It is a proposal drawn up based on the legal framework, without departing from the national legal system, which is adapted to fit the rules of management, use and zoning of each of the categories of the Protected Areas. In addition, it is in compliance with international agreements signed by the State of Guatemala: the Convention on Biological Diversity, the Ramsar Convention and the Nagoya Protocol. These agreements require states to develop sustainable agricultural activities and other forms of management with populations living within protected areas, promoting family development.

18. Interview with Demétrio García Nájara, 01.10.2015.

Obstacles to defending human rights

Communities living in Protected Areas face challenges arising from the lack of legal certainty to the lands where they live and work. These difficulties are compounded by problems linked to the fact that the area they inhabit is a borderland, rich in natural resources and with weak presence of state agencies.

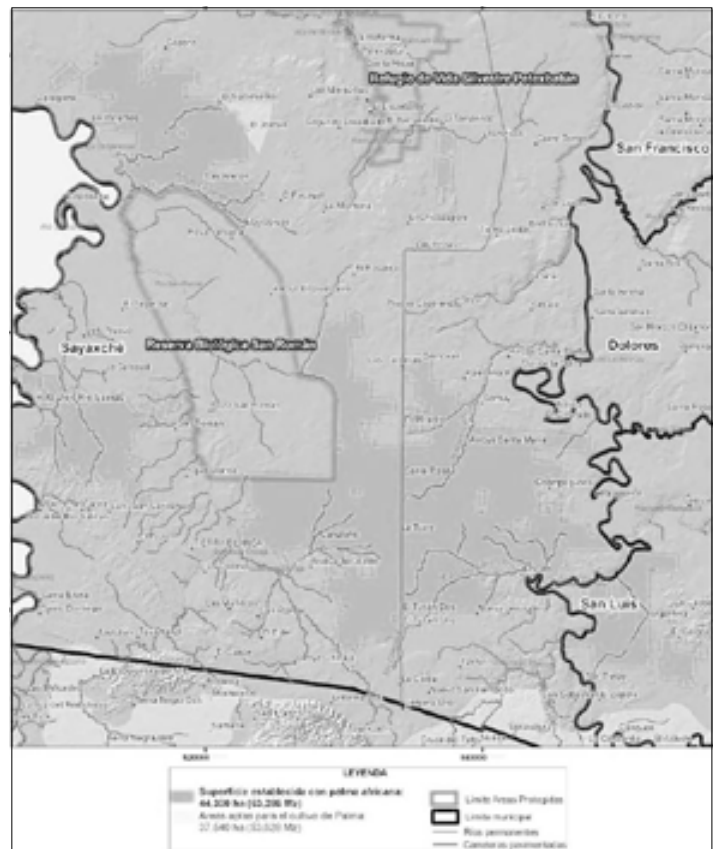
In this regard, Silvia Valenzuela said that the presence of extractive industries is another element that complicates the social situation of the communities even more. The State has the responsibility over this as they authorize the licenses of exploration and exploitation of territories where communities are based, without dialogue or consultation. *This affects the lives of people and generating displacement, confrontation and social unrest.*

To all this we must add the strong presence of organized crime in the department, and the consequences and effects of this for the general population and the human rights defenders in particular. Maria Guillermina Corleto Enriquez, a member of REHMI Petén, claims that stigmatization campaigns and vilification towards human rights defenders working in the communities are taking place. They were accused of being drug dealers, troublemakers, usurpers, being against development, and that makes it very difficult to defend human rights in Petén¹⁹.

Living among palm trees

Sayaxché, Petén is the municipality that has the largest number of African palm plantations in the region. Land was first acquired by cattle ranchers, later, in the 1980s it was sold to companies producing African palm oil. The selling of land intensified in the early twenty-first century and, according to a study by Oxfam America, between 2010 and 2011, Guatemala was second in Latin America, and the ninth worldwide in the ranking of countries exporting palm oil²⁰. The plantations were growing at a rapid pace, in the municipality of Sayaxché alone the reach of the palm plantations went from 465 hectares in the year 2000 to 14,986 in 2006 and 44,059 in 2010. In addition, since the African palm oil industry is dominated by five companies (families), one can deduce that the expansion of these plantations *is a phenomenon leading to the concentration of land ownership with more and more land ending up in fewer hands*²¹.

According to a study by ActionAid, there are currently five companies dedicated to growing palm in Sayaxché: Reforestadora de Palma SA (REPSA), owner of HAME group; Tikindustrias SA; National Agroindustrial SA (NAISA); Palmas del Ixcán, belonging to the group Green Earth Fuels; and Unipalma²². Luis Solano, investigative journalist writing for El Observador



Area covered by African palm in southern Petén 2010 and areas suitable for palm. Source: AA.VV., *Plantaciones agroindustriales, dominación y despojo indígena-campesino en la Guatemala del siglo XXI*, Guatemala 2011.

19. Interview with Maria Guillermina Corleto Enriquez, 01.10.2015.

20. Independent Media Center (CMI-Guate), *Palma Africana en Sayaxché: millonario negocio sin garantías sociales, ambientales y laborales*, 29.06.2015.

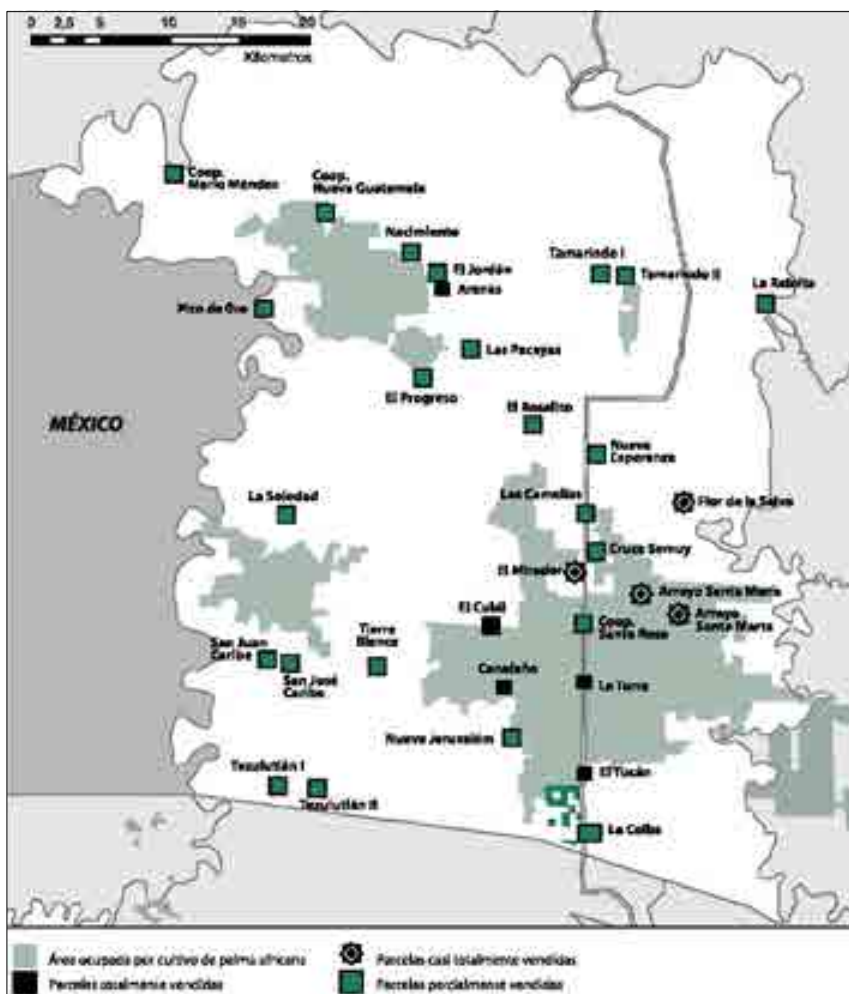
21. AA.VV., *Op. Cit.* p. 51-52.

22. ActionAid, *¿que tipo de empleo ofrecen las empresas palmeras en el municipio de Sayaxché, Petén?*, Guatemala 2011.

estimates that *at least one third of the municipality is cultivated with palm oil, with Olmeca/REPSA being the biggest landowner*²³.

The growth of palm plantations in the municipality, has led to the dispossession of land from the communities in the region. The study published by ActionAid states that, at present, many communities have sold all their land, while others resist and face great difficulties due to pressure from the buyers. The sale of land is due to different reasons, among which; the lack of economic resources and extreme poverty that drives families to sell land to pay off a loan, paying for their children's studies or such basic needs as paying for medication. In addition, pressure and coercion have been strategies used to force people to sell; *land sales have been carried out under threat, buyers said, if you do not sell the land to them something will happen to you; we sold the land out of fear, they intimidated us, that's why right now we do not have land*²⁴.

In 2011, the National Council of Displaced Persons of Guatemala (CONDEG) gave a briefing to the Human Rights Ombudsman (PDH) stating that *land grabbing and buying up of community plots of land has led to a situation where people who are resisting selling their land now find themselves completely encircled by land now owned by palm oil companies (...). After the company bought the plots and established plantations, they closed the roads and paths to the local population, placing padlocked gate on roads traditionally used by communities, affecting the right to free movement of the community members*²⁵.



Location of plantations and desalination plants, municipality of Sayaxché, Petén department. Source: ActionAid, *¿que tipo de empleo ofrecen las empresas palmeras en el municipio de Sayaxché, Petén?*, Guatemala 2011.

Land dispossession makes it difficult for communities to; collect firewood, plant beans and corn or access a water supply, all of which are basic activities for their survival. Sometimes, whole families have been forced to migrate northward, increasing the pressure on the MBR. At other times, entire communities are absorbed by agribusiness, becoming economically dependent on their wages.

In a press conference on July 29, 2015, communities and organizations publicly denounced the violation of their individual and collective rights, privatization and land grabbing, deceit and dispossession of their lands, in addition to diseases caused by the pollution of water sources²⁶.

According to an inspection held in March 2012 by the General Labour Inspectorate (IGT) into two palm companies (Tikin-dustria and Palmas del Ixcán) they found working conditions were deplorable: wa-

23. Solano, L., CMI, Palma Africana: La farsa de la Responsabilidad Social Empresarial, 06.11.2015, <https://cmigate.org/palma-africana-la-farsa-de-la-responsabilidad-social-empresarial/>

24. ActionAid, Op. Cit., p.17.

25. Memorial presented by CONDEG to PDH, 22.11.2011.

26. Cucul, G., Morales, R., Prensa Comunitaria, La problemática del agua la causan empresas de palma, 30.07.2015,

ges below the minimum (Q50 daily), child labour, collection of Social Security payments from workers without sending the money collected to the State, lack of employment benefits, and workers exposed to chemicals that are extremely damaging to health, without any protection²⁷. It is unknown whether State institutions in charge of the subject have taken measures to address the issues.

Ecocide in the river La Pasión

Between April and June 2015 one of the greatest environmental disasters in the history of Guatemala occurred, the dumping of toxic water in the San Ignacio creek, which originates in REPSA plantations near the village of El Pato, municipality of Sayaxché.

The pollution spread to the river Pasión, killing millions of fish, polluting the water and aquifers and disrupting the lives of 22 communities in the municipality of Sayaxché whose livelihood depends on the river²⁸.

Given the magnitude of the pollution and the various complaints from affected communities, the Office of Environmental Crimes of the Public Ministry (MP) raided the offices of REPSA, to establish whether it was responsible for the contamination. The head of the Prosecutor's office, Aura Marina Lopez, explained that what happened affected the health of the community and the economy of some 600 families who subsist on fishing. She added that, if the responsibility of the company could be established they could be charged with the crime of ongoing industrial pollution²⁹.



Communities affected by the contamination of the La Pasión river. Municipality of Sayaxché, Petén. Source: <https://www.facebook.com/1531075563780685/photos/a.1531091010445807.1073741828.1531075563780685/1638401643048076/?type=1&theater>

27. CMI, 29.06.2015, Op. Cit.

28. For more information, consult among other items: CMI, Repsa aceptó en mayo responsabilidad en ecocidio y el gobierno no movió un dedo, Guatemala, 24.07.2015. Escalon, S., Plaza Pública, Muerte en el río la Pasión. Había una vez un río, Guatemala, 06.24.2015.

29. Ministerio Público, MP investiga mortalidad de peces en Petén, Guatemala, 06.11.2015.

Community leaders from Flor de Selva, Santa Marta and Palestine II, reported, months after the events that the effects of pollution persisted in their communities³⁰. Fish, the main source of food and livelihood, were contaminated; diseases had increased, as well as vomiting and diarrhoea among children. Women were the worst affected by this disaster, as they are often tasked with washing clothes in the river, going to fetch water and selling fish in the market, this being a valuable contribution to the household economy and a key element for economic independence of the women in the community.

As a result of the impact of pollution; communities, authorities, Community Development Councils (COCODES), community leaders and social movements formed the *Committee in Defence of Life and Nature* on June 10, 2015, to follow up on what had happened and to denounce the company REPSA as having caused ecocide.

On September 17, 2015, Judge Karla Hernandez of the *Pluripersonal Court of First Instance Criminal Offences against the Environment Department of Petén*, decided to investigate and suspended REPSA operations for a period of six months. Meanwhile, the company has brought various legal appeals, and international organizations such as the ICJ have denounced pressures and threats against the judge.

The day after the Judge decreed the temporary closure of the company, there were serious incidents against human rights defenders in the area. During a demonstration on September 18, at Km 315, municipality of Sayaxché, Lorenzo Pérez Mendoza, coordinator of CONDEG, along with two other colleagues, Hermelindo Asij and Manuel Pérez Ordóñez, were detained by workers of REPSA.

Pérez Mendoza explains: *We were held for 12 hours under the sun, they took my hat despite the heat there. We were told we had to stand, they would not let us sit. The situation was complicated by the news that riot police were arriving and the REPSA workers asked the company's private security to come. 30 private security guards came as well as 8-10 armed individuals. They said that if the riot police arrived they would kill us. People were armed with machetes, sticks and guns. We were praying to God ... The situation was increasingly tense at one point it looked like they were going to burn us alive as they had gasoline cans. At about midday we got word of the killing of Rigoberto Lima Choc³¹. Finally about 6pm they let us go³².*



People affected by the contamination of the La Passion river. Municipality of Sayaxché, Petén. Source: Conred <http://www.conred.gov.gt/www/images/130620152P.png>

30. Red Nacional por la Defensa de la Soberanía Alimentaria en Guatemala, Documental: Ecocidio río La Pasión, Guatemala.

31. Rigoberto Lima Choc, teacher and human rights defender, documented the ecocide of the Pasión river being the first to take videos of dead fish and report to the MP facts now known as ecocide. See UDEFEGUA, El asesinato de Rigoberto Lima Choc es una violación de derechos humanos cometida por omisión del gobierno de Alejandro Maldonado Aguirre, Guatemala 18.09.2015.

32. Interview with Lorenzo Mendoza Pérez, General Coordinator CONDEG, 28.09.2016.

Erick Garcia, of the Protection Unit for Human Rights Defenders in Guatemala (UDEFEFUGUA), verified these facts and concludes *the people who led the illegal detention and kidnapping of the three members of CONDEG were contractors of REPSA. They sought the most visible members of the Committee in Defence of Life and Nature to pressure them into dropping the complaint relating to the pollution of the Pasión river. Later, another group was mobilized to the Court of St. Helena to pressure the judge into reversing the suspension of REPSA operations. They coordinated their actions with company officials who were also present at the scene. The situation became more complicated following the death of Rigoberto Lima. The kidnapping of the three CONDEG human rights defenders ended when the group at the Court were given a hearing with the judge the following Monday. Not a single State authority, neither Ombudsman Office, nor PNC, neither the judge nor government officials, went to the scene to mediate or seek the release of the three defenders*³³.



African Palm plantation, department of Petén, Guatemala

Following these events, the communities and people who make up the *Committee for the Defence of Life and Nature* have become more fearful. According to Garcia *they are in a very vulnerable situation and some of them live in communities which are within the plantations or have neighbours who with the company. Two leaders of the Committee had to leave their communities and seek refuge due to threats.*

The fear experienced by these communities is grounded in the shocking situation for human rights in Guatemala, as outlined in the UDEFEGUA report on the situation of human rights defenders in 2015: 66% of the documented acts of aggression and intimidation against human rights defenders were directed against defenders working on economic, social and cultural rights or rights of Indigenous Peoples. In the case of Petén the 24 attacks that took place were all connected to the ecocide in the Pasión river, as well as civic and community demands made after this heinous event. This report also points out that violence increased in order to dismantle the resistance and struggle of the citizens of the municipality of Sayaxché.

Finally, under a regional perspective that transcends the borders of Guatemala, it should be noted that this violence against activists defending land and territory in the face of extractive projects affects all Latin American. As was pointed out by Amnesty International in its Annual Report 2015/16 *the growing influence of transnational corporations and their involvement in human rights abuses, especially in the extractive sector and other related appropriation of land and natural (...) resources sectors, continues to constitute a threat to human rights throughout the region (...) Human rights defenders and activists working to protect land, territory and natural resources are increasingly likely to become victims of murder, enforced disappearance and other criminal acts.*

33. Interview with Erick Garcia, 25.09.2015.



PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

PBI is an international non-governmental organization (NGO) which protects human rights and promotes non-violent transformation of conflicts. At the request of threatened social organizations, it provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence. In this way, PBI creates space for local activists to work for social justice and human rights.



Team office in Guatemala

3a. Avenida "A", 3-51 zona 1, Guatemala City
Tel: (00502) 2220 1032 / 2232 2930
e-mail: equipo@pbi-guatemala.org

Web: www.pbi-guatemala.org

Coordination Office

Avda Entrevias, 76, 4º B, 28053 Madrid, Spain
Tel: (0034) 918 543 150
e-mail: coordinacion@pbi-guatemala.org

Facebook: [Peace Brigades International - Guatemala Project](#)