



PEACE BRIGADES INTERNATIONAL
GUATEMALA PROJECT

making space for peace



Bulletin No.

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Water Shortages in Guatemala.

Gerardo Paíz, ecologist with the Madre Selva Collective

Members of the organizations we accompany have shared their growing concern about the lack of water in their communities for several years. To address this issue, we organized a film forum on the climate crisis and water scarcity at the end of February.¹ One of the participants was Gerardo Paíz, ecologist at the Madre Selva Collective, who shared his assessment of this issue.²

What geographical and geological conditions make Guatemala a vulnerable territory?

Central America is an isthmus surrounded by two large bodies of water, the Atlantic Ocean to the north and the Pacific Ocean to the south. This makes the conditions very similar to those that occur on an island. The isthmus has highly variable circumstances ranging from excess humidity to significant droughts. This is compounded by the process of climate change that is affecting the entire planet. For example, the El Niño weather phenomenon changes humidity periods throughout the region.

Furthermore, approximately 90% of the underground and surface water sources in Guatemala are contaminated, so we have a high risk of getting sick if we consume this water. It is estimated that by 2025 (within 5 years), there will be a



Gerardo Paíz in the Cine-forum "Climate crisis and water shortage", realized February 26, 2020

deficit of about 200 million cubic meters of water in Guatemala.

What are the causes of water scarcity in Guatemala?

There are several, one is the destruction of natural ecosystems. The country has only a third of the natural forest cover left, as two thirds have been destroyed and transformed for other uses that have a direct impact on water. Some of these uses are: the generation of electrical energy, industry, livestock, and the capture of rivers.

Another cause is population growth. Guatemala has the second highest population density of any country in Latin America with 159 inhabitants per km². The population doubles every 20-

25 years, which means that in 25 years the population density will exceed 300 inhabitants per km².

Water is a natural good that we need to live. When we talk about water as a natural resource, there is a business connotation. But water is not a resource, it is a finite and scarce good that we should take care of. Forms of production and human consumption, as well as the release of waste to nature, are contributing to water pollution and scarcity.

At what point did you start to become aware of changes in the environment?

During the final years of the armed conflict, I was a university student. So we

1 On February 26, PBI Guatemala organized the Cine-forum "Climate crisis and water shortage", which was held at the Casa Cervantes. It was moderated by journalist Norma Sancir and Isabel Matzir and Gerardo Paíz attended as panelists. The activity was broadcast live on PBI Guatemala's Facebook.
2 The interview reproduced here was taken from the activity and edited, together with Gerardo Paíz, to adapt it for this article.



The inhabitants of Las Granadillas Mountains, Zacapa, denounce illegal logging of trees, December de 2016

walked through the mountains on study tours, passed through the forests and over rivers, visited lakes and drank water that was fit for human consumption. With the signing of the Peace Accords there was a complete change. The access roads to the communities began to be improved, garbage began to appear and the destruction of forests began to occur. A great change took place in the first five years after the Peace Accords were signed and, unfortunately, it was not for the best. They began a diversity of extractive activities that have had negative effects on water, although they do not want to recognise this.

Is it important to have a water legislation? Why?

I had the opportunity to participate in the Water March in 2016. It was a big movement and, at that time, there was a great discussion in the country about the need for a water law. Until then, 27 versions of this law had been prepared, as each group had made their own. Thanks to the opportunities I have had to work in different communities across

Guatemala, I have verified that water is administered, thus there is already some management of this good in one way or another. The work that has to be done is to collect all those experiences into one document which designates access to water as a social priority.

Water is not a good that can be privatized, it is a human right. To deny someone water is to deny them the right to life, to deny them health. Without water we cannot live, we cannot have quality of life. So what each of us has to ask ourselves is what do we do for the water? How are we treating it? I see that in many places, mainly here in the city, in areas where there is access to water, people continue to use hoses indiscriminately, for example, to wash vehicles, and they do not imagine that in other parts of the country people are suffering because they do not have access to water.

Water is not an issue that is the sole responsibility of one institution. It is up to all of society, we cannot expect the mayor, member of congress or minister to solve the problem. We have to start looking for the solution ourselves as

people, because we all need water. We need more training; we live in a society that does not know where water comes from, how its cycle works, why it is important to take care of it. We have to learn about this and inculcate this knowledge to all people from the time they are children. It is a matter of life, defending water is defending life.

What is the situation of springs, rivers and lakes in Guatemala?

Guatemala has 38 hydrographic basins. The Motagua river basin, together with the María Linda river basin, are the most polluted because waste waters from Guatemala City drain and discharge into this territory without being treated effectively first. The Las Vacas and Pixcayá rivers are two sub-basins of the Motagua river basin. Half of the population of Guatemala City drains its waste north to the Motagua River. The other half goes south to the María Linda River, which eventually goes to Lake Amatitlán. We should be aware of this, because what happens within this basin affects the entire population.

The Las Vacas river is a sub-basin of the Plátanos river and has three highly polluted streams, one of them is the Chinautla river, which springs from the city landfill in zone three of the capital, and extends for 12 kilometres reaching the Poqomam population of Santa Cruz Chinautla. These people live among the garbage generated by the capital's population. Almost all of Guatemala's streams are used as garbage cans or drains. Any ravine in the country is full of bags, packaging, plastic bottles, all thrown away, waiting for it to rain and for the river to take it away so that it ends up in the sea or stays along the path, deposited in some community.

As for the country's lakes, Atitlán is seriously contaminated with cyanobacteria; people are now discouraged from swimming or using that water. All the pollution from the Polochic and Cahabón rivers reaches Lake Izabal, with the latter bringing garbage from Cobán. There is an additional risk from the African palm agribusiness, which is located in the south, and the large mining concession, the Fénix project, which is to the north of the lake and which, to date, has generated deep social unrest. The only lake that we could say is in a more or less decent condition is Lake Petén Itzá, although not the entire lake, because there is pollution around Flores Island.

In cities, during the wet season do the wells/lakes flood?

In cities like Guatemala, the increasing spread of impermeable cement prevents drainage and adequate filtration from the land. As a result, there is no guarantee that wells can store enough water for the whole year. This is also happening in the departmental and municipal capitals, and has a direct effect on groundwater, which is why wells have to be bored deeper and deeper.

Different populations are beginning to compete for water. It is sad to see that the municipality, instead of looking for ways to improve water intake to feed the



View captured in the south of Petén, January 2014

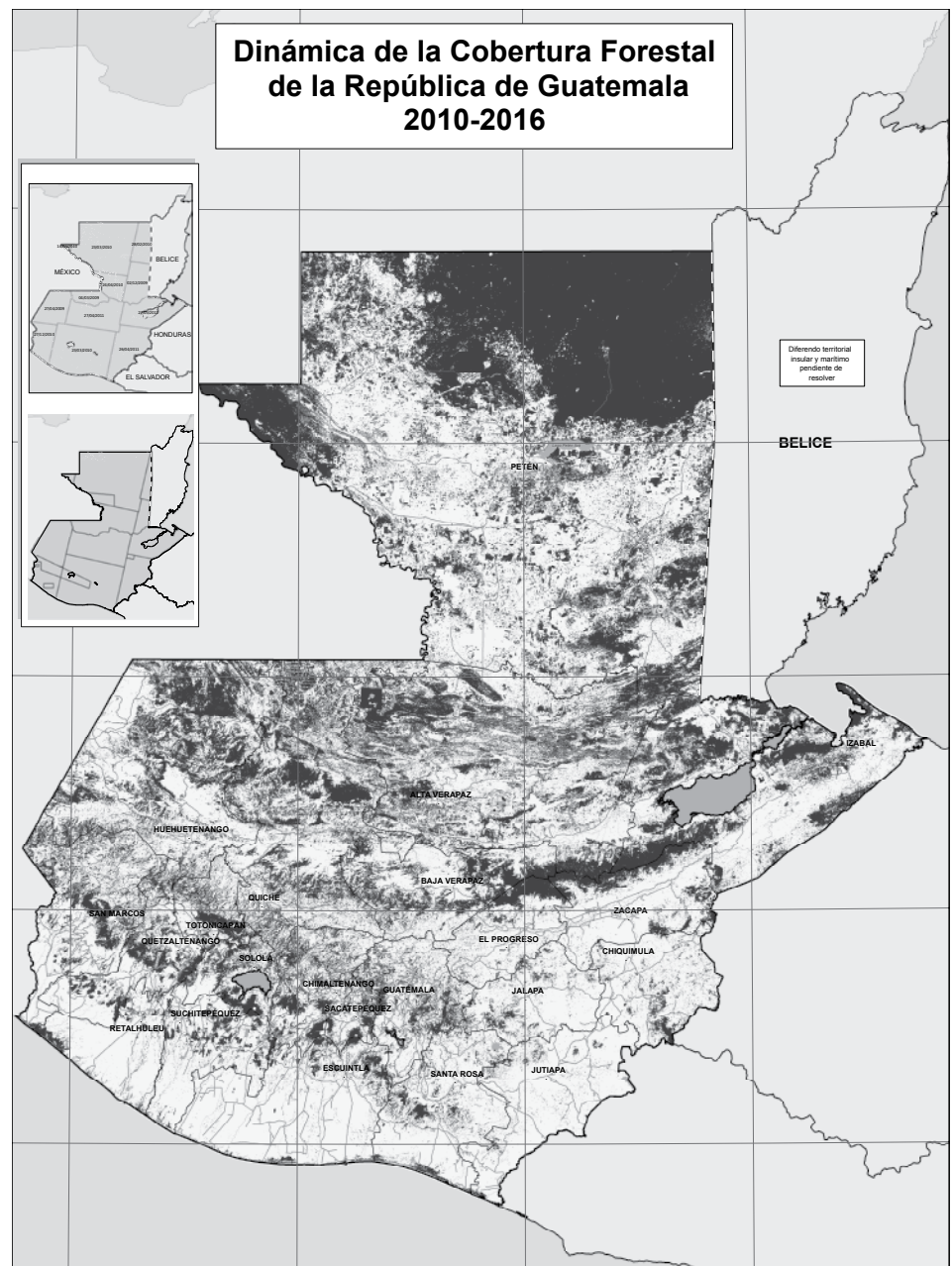
wells in the rainy season, is promoting the city's growth, without regulating the use of cement as an impermeable cover or transforming the streets by using other types of materials such as paving stones or something that allows water to seep through. Drilling a well would not have a bad result if it had a natural infiltration system, but that is not being done. Here in the cities, they are only trying to get the water out there, but they are not making sure that this well will fill again during the rainy season.

What is needed to conserve water?

The restoration of natural systems that guarantee life is important, because water needs a niche to exist. When we have a good rainy season much of the water flows into the sea and doesn't filter through the soil. It is not only the water, but the country's soils are also flowing away, because our territory is destroyed. So the first thing to do is to restore our natural ecosystems, but for this we need to change the model of production, construction and waste.

We have to work hard to clean our water sources. It is necessary to install water treatment plants, but there are also other actions to be taken in the short term. We have to create strategic water reserves, because the periods of rain in Guatemala are not as consistent as before. Sometimes there are periods of sporadic rains and then it stops raining, so we have to see how, using the topography of the country, it is possible to start putting up barriers so that the water stays in small dams in the communities, so that the rains are being stored and may be available to people.

We had the opportunity to build a small dam in the Guayabillas village, in the municipality of Jocotán, Chiquimula, where there are very bad water shortages. We built a small dam on a stream and now they have their little lagoon. They are collecting water from the few rains that are falling. It takes a little ingenuity for water to be available.



The first study on Guatemalan forests were realized by the United Nations' Food and Agriculture Organization (FAO) in 1988. At this moment 53% of the territory has been covered with forests. According to the National Council of Protected Areas (CONAP), currently it is 33%.

It is not enough just to harvest water from gutters or roofs, because it is not enough to meet human needs.

Finally, all government authorities, the three branches of the State, must enforce the text of the Constitution of the Republic which says that water is a social good and therefore cannot

be privatized, but that access must be based on social needs. As Article 2 of the Constitution says, the State of Guatemala is organized to defend life, and defending life is directly linked to defending water. But also we, as a society, have to develop and propose actions aimed at favouring the current population and future generations.

Comprehensive Care Centres for Women Survivors of Violence In Danger:

The case of the Petén Ixqik Women's Association

The end of 2019 was very bleak for women survivors of violence in Guatemala where, according to the Public Prosecutor's Office (MP) Women's Observatory, "more than 60 thousand women reported being victims of some kind of violence in 2019."¹ Crimes against women are among "the most frequently reported in the Justice System" (37% in 2019).² Despite these chilling figures, the Congressional Finance Commission proposed to cut the budget of 4 of the Comprehensive Care Centers for Women Survivors of Violence (CAIMUS) by 97% at the end of 2019, reducing its budget from more than Q9 million to Q300,000.³

Furthermore, according to the Petén Ixqik Women's Association, which manages the CAIMUS in Petén, the Q9 million intended for cuts, only correspond to the budget for the four CAIMUS managed by the Guatemalan Women's Group (GGM) (Guatemala, Rabinal, Escuintla and Suchitepequez), leaving the CAIMUS of Petén, Chiquimula, Sololá, San Lucas Sacatepequez, Chimaltenango and Xela outside the budget, and therefore totally invisible.

"The CAIMUS are spaces of comprehensive support for women victims of violence. They reach up to 12,000 women per year. Women receive free psychological, legal, social support and refuge from the CAIMUS. Despite that, the centers operate with minimal funds because the Ministry of the Interior

does not transfer the assigned budget to them."⁴ Although the cut proposed by the Congress's Finance Commission was not finally approved, the situation for these centers in 2020 has not improved, since they have received nothing of the allocated Q9.5 million budget.⁵ According to the Petén Ixqik Women's Association of Women this Q9.5 million only correspond to the four CAIMUS that GGM manages, therefore excluding the rest of CAIMUS located in other departments of the country from the budget. A total of Q20.5 million is required for the operation of all CAIMUSs nationwide, Q9.5 for those managed by GGM and 11 more for the rest.

Violence Against Women

Violence against women and girls is a structural blight that represents one

of the most widespread human rights violations on the planet. A multitude of women are discriminated, mistreated, raped, murdered and disappeared every day in Guatemala. A report by the National Statistics Institute (INE) indicates that during 2017 an average of 135 women were attacked every day (5 every hour).⁶ According to data from the National Institute of Forensic Sciences of Guatemala (INACIF), 678 violent deaths of women were recorded in 2019.⁷ 7,854 medical examinations for sexual crimes were carried out during the same period.⁸ The State is responsible for guaranteeing women a dignified life free of violence, however, according to Giovana Lemus, Executive Coordinator of the Guatemalan Women's Group (GGM), the state system of care, protection and justice for women does not include models of comprehensive or specialized care.⁹

It was precisely thanks to the initiative of the GGM, when the first CAIMUS was created in 1991 due to the lack of response by the State to the different forms of violence faced by women. GGM created a comprehensive care model for women survivors of violence as a guide for the operation of CAIMUS. This model "provides guidelines for specialized comprehensive care services, with quality and humane

1 Pérez, R., *Más de 60,000 mujeres denunciaron ser víctimas de violencia en 2019*, *Nómada*, 13.02.2020.

2 <http://observatorio.mp.gob.gt/wordpress/index.php/estadisticasportal/>

3 García, J., *Refugios para mujeres que sufren violencia se quedan sin dinero (Congreso les quita el 97% de sus fondos)*, *Nómada*, 13.11.2019.

4 *Nómada*, *Sin presupuesto para apoyar a las mujeres*, 14.04.2020.

5 Ibid.

6 García, J., Op. Cit.

7 GGM, *Datos estadísticos: Violencia contra la mujer, 2000-2020*.

8 INACIF, *Evaluaciones Médicas Realizadas en las sedes periciales de INACIF del 1 de enero al 32 de diciembre de 2019*.

9 García, J., Op.Cit.

delivery” and “is based on the humanistic theory of feminism, which recognizes violence against women as a product of unequal power relations between men and women.”¹⁰

The Law against Femicide and other forms of violence against women, passed in 2008, establishes that specialized women's organizations who - through the administration of the CAIMUS - must be in charge of providing services that help restore rights of women, while the State is responsible for supporting them financially so that they can carry out this work. The Ministry of the Interior (MinGob) is the state institution which has the obligation to provide these services, however, they are not complying with the law. The Congress, in charge of designing and distributing the annual national budget, does not prioritize the financing of these centers, as evidenced in the proposed budget cut mentioned at the beginning of this article. This proposal, was not approved in the end, nevertheless, the CAIMUS continue to face a situation of financial precarity.

Petén Ixqik Women's Association and their management of the CAIMUS in Petén¹¹

In December 2019 we visited the CAIMUS located in Santa Elena, Petén, managed by the Ixqik Women's Association, so they could inform us about their situation.

Ixqik has been working in Petén for 20 years, supporting and accompanying women survivors of sexual, physical and psychological violence. The axis that runs through all their work is the prevention of violence, which begins with the processes of women's political empowerment and, therefore, the strengthening of women's participation and presence in decision-making



spaces, which are typically dominated by men. In 2011 Ixqik took over the administration of the CAIMUS in Petén and, between that year and 2019, they have treated 3,833 women.¹²

They have faced constant problems in relation to shortfalls in state financing. They did not receive the total budget in 2017, leaving them with only enough funds to pay professional staff for 10 months. The situation continued to worsen in 2018 when the Ministry of the Interior left the CAIMUS without funds until October. That year they only received a part of the budget item dedicated to personnel (Q370,766 of Q1,700,000, generating a debt of Q1,329,234) and none of the other items from a total budget of Q2,486,200, much of which was designated, under the common funding policy to the army and the police. In 2019, they only received budget support from the State to maintain the staff at the center and the organization

had to assume the accumulated debt.¹³ This situation resulted in the need to implement drastic cuts, so that currently they only have one lawyer, one attorney, one social worker and one psychologist to attend to some 600 cases.

These constant cuts have had serious consequences particularly the lack of personnel, as it is impossible to follow up on all the cases they receive. Hence, many women are deprived of the comprehensive and quality care they need: “that results in continued violations of women's rights, from the right to report violence to the right to be heard.” The members of Ixqik also suffer the negative impacts of this situation on their bodies, affecting both their physical and emotional health: “It is tiresome to think about how we are going to follow up on different cases and, at times, we have been frustrated because we wanted to accompany all the cases that are presented to us, but we do not have

10 For more information on the CAIMUS, see: <http://ggm.org.gt/caimus/>

11 Unless otherwise stated, the information here corresponds to interviews conducted by PBI with Ixqik, 02.12.19.

12 PDH, Informe sobre el cumplimiento de las recomendaciones de la CEDAW relativas al derecho de las mujeres de vivir sin discriminación y libres de violencia, por parte del Estado de Guatemala, 2019.

13 Ibid.

sufficient human resources.” Despite this very adverse situation, the Petén Ixqik Women’s Association has not given up: “we will continue to advocate and negotiate so that the State complies with its obligation to support the operation of the CAIMUS, this is reflected in a law, the State must be the guarantor of these human rights for women.”

In addition to this situation of financial uncertainty, they have faced other risks, such as threats from men who have been accused of violence and their defense lawyers. An illegal raid occurred

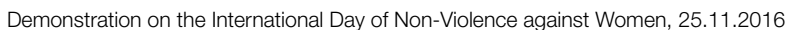
at the CAIMUS facilities on August 27, 2019. In the face of this attack, they received no support from the State and they know of no progress with respect to the complaint filed with the MP. This is not the first time that they have suffered a break-in at their facilities, which is extremely worrying since they contain sensitive documentation that compromises both the safety of women survivors of violence as well as that of their families and that of the members of the association. “The direct work that confronts violence against women is something they don’t like and I think

that provokes them to respond with a lot of violence, so they take action against our offices. Women’s organizations are more exposed to these attacks than mixed organizations.”

Both the situation of financial precarity, and the attacks suffered by the women’s organizations that manage the CAIMUS, must be understood within the general context of attacks against human rights defenders: “I feel that the work we do as human rights defenders is what that makes us more vulnerable. Women’s organizations, as well as mixed



Accompaniment on the International Womens Day in Guatemala City, 2020



“we are motivated by the fight for the lives of women and girls, who today are still victims of violence. We want to continue recovering this path that leads to liberation, that also leads us to live a life free of violence, and that the situation of violence does not remain silent, that it does not go unpunished. We are also bolstered by the women who file complaints, because they are leading the way and leaving their mark.”

International Arbitration against the Guatemalan State:

The El Tambor Mine Case

The Peaceful Resistance La Puya has been fighting against the El Tambor mining project for 8 years. During this time they have suffered all kinds of physical and psychological attacks, as well as acts of defamation and criminalization. Now they face another threat: an international arbitration process against the State of Guatemala, which was initiated by the Kappes, Cassiday & Associates (KCA) mining company. This represents a new challenge for the Resistance, since this process does not allow for the participation of the population directly affected by the project. This legal process comes under the free trade agreement between the Dominican Republic, Central America and the United States (CAFTA-DR), which was signed by Guatemala in 2005, despite strong opposition from social organizations at the time for its incompatibility with the ILO's Convention 169 among other reasons.¹

Free Trade Agreements

From as far back as 1998 some extractive and mining companies have initiated processes of international legal arbitration against Latin American States, using supranational organisms that ensure the implementation of clauses from the free trade agreements. CAFTA-DR "grants transnational corporations a binding recourse to a perverse international arbitration system known as Investor Dispute Resolution - Investor State-State (ISDS). ISDS claims are heard in courts such as ICSID (International Center for Settlement of Investment Disputes) and have been widely condemned for privileging corporate interests to the detriment of local communities and the environment."² Within the framework of these agreements, companies do not have to exhaust the internal procedures

of the countries before resorting to mechanisms for Dispute Resolution between Investors and the State (SCIE), such as ICSID, a branch of the World Bank.

The clauses contained in those treaties go beyond ensuring that companies have secure infrastructure and financial stability. Furthermore, they oblige States to "guarantee that the investments will enjoy legal certainty and that States receiving investment must have favorable legal systems that stimulate international free trade and can satisfy their demands."³ In this sense, prior to the entry of a diversity of extractivist companies, and within the framework of these clauses, States must advance legislative and regulatory changes that privilege foreign investment in an economic model that would contravene

the self-determination and way of life of populations affected by these projects.⁴

The KCA's case against the Guatemalan State

On May 16, 2018, KCA presented its intention to bring a lawsuit against the Guatemalan State before ICSID, for an estimated US \$300 million. According to KCA, the decisions made by both the Supreme Court of Justice (CSJ) and later by the Constitutional Court (CC) of Guatemala, revealed the unfair treatment the company received as a result of the order to suspend the El Tambor project.⁵ They argue that they were unaware the mining project had irregularities in its Environmental Impact Study (EIS), that the mandatory free, prior and informed consultation of the affected population was not

1 Convention 169 of the International Labor Organization (ILO) on Indigenous and Tribal Peoples in Independent Countries, ratified by Guatemala in 1996, "is based on respect for the cultures and ways of life of indigenous peoples and recognizes their rights to land and natural resources, as well as the right to decide their own priorities in relation to the development process. The objective of the Convention is to overcome discriminatory practices that affect these peoples and enable them to participate in decision-making that affects their lives. Therefore, the fundamental principles of consultation and participation constitute the cornerstone of the Convention."

2 Observatorio de Conflictos Mineros de América Latina, *Empresa minera KCA-presentó una demanda de arbitraje por la exorbitante cantidad de 300 millones de dólares en contra del Estado de Guatemala*, consulted 19.01.2020.

3 Organization of American States, *Arbitraje comercial internacional*, 2015.

4 Moore, J. y Pérez Rocha M., *Casino del Extractivismo*, Mining Watch Canada, Institute for Policy Studies y CIEL, 2019.

5 Villatoro García, D., *La Puya: una comunidad en resistencia, una empresa insistente*, Plaza Pública, 1.07.2016.



Banner against the international arbitration, La Puya, 19.03.2019, Photo: courtesy of Jen Moore, IPS

complied with and, furthermore, that no construction license had been granted.⁶

On the basis of this information, the relevant institutions - the Attorney General's Office (PGN), the Ministry of Energy and Mines (MEM), the Ministry of Finance (MINFIN) and the Ministry of Foreign Affairs (MINEX) - created an inter-institutional round-table. Officials from these entities approached this multimillion-dollar lawsuit from a purely technical standpoint, ignoring underlying issues such as the conflict created within the affected population and the violation of ILO Convention 169 which led to the cessation of activities at the mine.⁷ To avoid arbitration, the round-table proposed "a Confidentiality Agreement with transnational capital to address this State matter, that is, a matter of a

public and national interest that may affect the communities which form part of the Peaceful Resistance, La Puya, as well as the Guatemalan population as a whole."⁸ The content of the agreement is unknown but it was apparently insufficient to prevent the lawsuit, which was formalized on December 11, 2018, and the ICSID created the case Daniel W. Kappes and Kappes, Cassiday & Associates c. Republic of Guatemala (ICSID Case No. ARB / 18/43).⁹

"By resorting to international arbitration, the company tried to pressure the Guatemalan judicial system to reach a settlement, dismiss the multiple legal problems and the social opposition that has prevented it from going ahead, evade the mining project's illegalities and irregularities, as well as moves which

sought to undermine the decisions of the CSJ and the CC, question the Peaceful Resistance La Puya and violate the human rights of the communities."¹⁰

The first ICSID hearing in this was held in Washington on December 16, 2019, where they addressed the preliminary objections raised by the State of Guatemala. On March 13 the ICSID arbitrators made the decision to admit the KCA lawsuit against Guatemala. The court argued that KCA and Mr. Kappes have the right, under the CAFTA-DR, to demand compensation from the State for the losses, as they cannot continue the project in Guatemala.¹¹

Citizen participation in the lawsuit

The Peaceful Resistance La Puya, when faced with this process, which

6 Pixtún, M., *Demanda KCA ante el Centro Internacional de Arreglo de Diferencias sobre Inversiones CIADI contra el Estado de Guatemala*, ENFOQUE Año 12, N°67, 25.09.2019.

7 Ibid

8 Ibid

9 World Bank, Case Detail: Daniel W. Kappes and Kappes, Cassiday & Associates v. Republic of Guatemala (ICSID Case No. ARB/18/43), accedido 17.06.2020.

10 Pixtún, M., Op. Cit.

11 World Bank, Case Detail, Op. Cit.



PBI observed the eviction against the La Puya camp on May 23, 2014.

does not include the participation of the population affected by the mine, is learning about a new battlefield for which there are few precedents.

The best known and most relevant case in the region is the arbitration process that El Salvador won against the Pacific Rim mine in 2016. The mine used the same ICSID mechanism to sue El Salvador for \$301 million, the equivalent to its projected loss following the Salvadoran declaration in 2008 which suspended open-pit chemical mining throughout the country. ICSID rejected the lawsuit. After the unanimous decision of the court, Salvadoran authorities declared that “this case sends a clear message and reminds us that States, and in this case the State of El Salvador, are exposed to this type of multimillion-dollar lawsuit. Therefore,

work must be done to strengthen the country’s institutions in defense of the environment.”¹² Salvadoran civil society was not part of the process, but fortunately, the Salvadoran state remained firm in its commitment to suspend open-pit mining.

The Peaceful Resistance La Puya is forming legal alliances and solidarity across national and international organizations and groups.¹³ According to the Resistance itself, their objective is to make their voices heard in this exclusionary procedure and to create an antecedent that favors, not only the Resistance itself, but many other community processes that defend land, territory and water against projects which exploit natural resources. In this way they seek to prevent supranational arbitration processes from becoming

the Trojan horse of mining and extractive companies.

History of the Resistance

The Peaceful Resistance La Puya, located in the municipalities of San José del Golfo and San Pedro Ayampuc, in the department of Guatemala, was created in 2012, when community members became aware of activities that indicated the beginning of a mining project. Concern about the effects on health and the environment, led the community to organize and plan peaceful activities aimed at demonstrating the disagreement of the population with the El Tambor mining project, derived from Progress VII. In late 2008, the company Exploraciones Mineras de Guatemala (EXMINGUA) applied for a mining license (gold and silver), which was authorized by the MEM in November 2011 for a period of 25 years.

The Resistance installed a permanent protest camp in front of the entrance to the mine to express its rejection to the project, and this camp has been maintained to this day thanks to constantly rotating shifts taken on by the members of the neighboring communities. The attacks began immediately: threats and smear campaigns; an assassination attempt on the leader Yolanda Oueli; assaults perpetrated by former military personnel linked to the mining company; leader arrests; and the murder of Fidel Santos Ajau.¹⁴ A violent eviction was carried out in 2014 and PBI observed a disproportionate use of force by the police, who were providing protection to the mining company.¹⁵ In addition, EXMINGUA workers sued nine members of La Puya for the alleged crimes of illegal detention, coercion and threats. These accusations were brought in front of two courts who reached the following conclusions: three leaders were

¹² DiPúblico, *Caso Pacific Rim contra El Salvador: CIADI rechaza pretensiones de empresa minera*, diPúblico.org Derecho Internacional, 20.10.2016.

¹³ Press release: International organizations denounce the multimillion-dollar lawsuit by the US mining company against Guatemala and express their solidarity with the communities that defend land and life peacefully in “La Puya”, 19.04.2019.

¹⁴ Resistencia La Puya, *Conferencia de prensa sobre asesinato de Santos Fidel Ajau*, CMI, 12.07.2013.

¹⁵ PBI Guatemala, *Desalojo violento de la Resistencia Pacífica de la Puya*, May 2014.

convicted, the accusation was dropped without going to trial in two cases and the other four were acquitted.

In spite of the multiple aggression received, the Resistance has continued its struggle, also using legal channels, denouncing the violence against its members and imposing injunctions aimed at questioning the actions carried out by state authorities. Although their legal claims are not progressing, the injunctions were granted a provisional resolution by the higher courts in favor of the Resistance.¹⁶

The CSJ ruled in favour of La Puya for the lack of free, prior and informed

consultation and ordered the temporary suspension of mining work in February 2016.¹⁷ However, one month later, helicopters were observed in the area and mine workers were found removing minerals illegally, for which EXMINGUA was reported for the crime of “illegal exploitation of natural resources.”¹⁸ Despite the existence of clear evidence, the criminal prosecution has stalled and so far there has been no progress.

In January 2019, the then President, Jimmy Morales publicly attacked the CC, accusing it of closing mines, interrupting the construction of hydroelectric plants and “selectively supporting certain groups,” who, according to his words

“call themselves civil society.” His speech did not take into account the absence of free, prior and informed consultation towards the affected communities, nor the environmental and social impacts generated by the exploitation of natural resources. In his address, he indicated that the State of Guatemala had received a demand requesting arbitration regarding the decisions of the high courts to suspend mining activities and indicated that it would be years before all Guatemalans could pay these indemnities to foreign companies.¹⁹ This was interpreted by different analysts as a warning message addressed to the various existing resistances in Guatemala.



In the following year, the resistance celebrated the ongoing of their struggle, 23.05.2015

16 Pixtún, M., Op. Cit.

17 Ramos, J., *Corte confirma fallo contra minera de la puya*, Prensa Libre, 01.06.2017.

18 Equipo de Análisis, *Transporte ilegal de oro en La Puya: Cementos Progreso, crimen organizado y militares*, CMI, 19.03.2016.

19 Conferencia de Prensa del gobierno de Guatemala, 07.01.2019.

The Blood of the Earth

Hydroelectric mega-projects and their Impact on Human Rights

On February 13, 2020, PBI Guatemala organized an event called the *Public Forum on Hydroelectric mega-projects and their Impacts on Human Rights in Guatemala*. 200 defenders of territory and natural goods participated in the forum, as well as Guatemalan and international social organizations, and representatives of the Human Rights Ombudsman's office (PDH), the French, Swiss, Colombian, and Spanish embassies and the European Union Delegation.

The forum was a space to give voice to those who peacefully defend the economic, social, cultural and environmental rights of the population from across various departments, against the installation of hydroelectric projects. The documentary *The Blood of the Earth*, directed by Félix Zurita de Higes, which recounts experiences from Mexico, Honduras and Guatemala, was screened during the forum. The section on Guatemala, documents the resistance of the Q'eqchi' communities against the Oxec hydroelectric project, owned by the Multi Investment Corporation (CMI) and built by the ACS company, which belong to, Spanish citizen, Florentino Pérez.

Hydroelectric projects such as Oxec, Renace or Rocjá Pontilá, to name just a few of the 63 hydroelectric projects already in operation, under construction or which have received authorization in Guatemala, evidence the conflict that exists over the exploitation of natural resources, particularly of water, in a



country which does not have a law regulating its exploitation.

According to Ruth del Valle, recently appointed head of the Office for Human Rights Defenders and Journalists at the PDH, in Guatemala "you cannot speak of hydroelectric plants without speaking of indigenous peoples." The indigenous peoples of Guatemala suffer the highest rates of poverty and extreme poverty, malnutrition and lack of fulfillment of human rights. The population in rural areas lacks basic infrastructure: only 15.6% of homes have running water and in seven departments (Alta and Baja Verapaz, Izabal, Quiché, Jalapa, Chiquimula and Petén) more than 10% of the population does not have electricity. In Alta Verapaz, where 27% of the country's hydroelectric projects are located, 51.1% of the population does not have electricity.

Large hydroelectrical projects: impact on peoples and territories

The human rights defenders present at the Forum pointed out the impacts they are experiencing in the territories as a result of the installation of large hydroelectric plants. These projects were established without free, prior, and informed consultation with local communities, as is required under by the International Labor Organization's (ILO) Convention 169.

According to Julio González, from the MadreSelva Ecological Collective, Guatemala's energy matrix privileges national and transnational capital investment in hydroelectric mega-projects while threatening communities located near rivers that have significant flows for electricity generation. Reina Vázquez, community leader from the "New Day" Ch'orti' Campesino Central (CCCND), highlighted the destruction

of hills and rivers drying up of rivers causing malnutrition, among the negative impacts of these projects. Alex Vázquez, from the TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew, highlighted how the installation of hydroelectric plants, restricts access to water which in turn affects how the natural elements can be used for community healing processes. Consequently, this has negative impacts on their culture, spirituality and on the emotional and psychological health of the peoples.

Mother earth and water are sacred. Without water there are no forests and without forests the oxygen runs out. All resistances have the same objective: to defend life.
Hector Ovidio Vázquez, CCCND.

The human rights defenders present at the Forum shared their experiences of the social impacts of these projects, including fractures within the communities and the families themselves, caused by the companies'

attempts to co-opt the community leaders. When these attempts are unsuccessful, human rights defenders are intimidated, criminalized or even murdered.

Alternatives: el buen vivir (living well) of the peoples

In response to the negative impacts of large hydroelectric projects, the human rights defenders highlighted the existence of viable alternatives for energy management by the communities. These include the installation of community based mini-hydroelectric plants that have a production of less than five megawatts. They are using the local water potential without affecting the ecological flow of water sources. Additionally, they provide electricity at a fair cost and produce economic benefits for the communities through their administration. These small hydroelectric plants provide the opportunity for the autonomous management of natural resources with full participation from the local population, dignifying their

development, living conditions and empowerment.

Coordination between social movements, communities and organizations that are dreaming and building alternatives from the grassroots has been another fundamental strategy according to the human rights defenders. These processes, however, require deep self-reflection within the movements themselves. This includes the acknowledgment of the sexism existing in these structures and the recognition of the need to heal the wounds caused by violence against women human rights defenders and women members of the LGBTBI+ community. They defend their bodies as the first territory of conflict and consequently, are often expelled from these same structures.

Coordination between resistance and social movements will only be possible after going through healing processes within our own communities.
Alex Vázquez, TZK'AT.



PBI is an international non-governmental organization (NGO) which provides international accompaniment and observation at the request of threatened social organizations. The presence of international volunteers backed by a support network helps to deter violence.

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, PBI continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, **PBI** began receiving a number of requests for international accompaniment. Due to these requests, PBI carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, **PBI** decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other

international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new **PBI** office was opened in Guatemala.

Purpose and principles

Contribute to improve the human rights situation in Guatemala and accompany social and political processes that promote the enhancement of democracy and participation in the country and the region. To attain this, PBI employs an international presence that supports the maintenance and opening of political and social spaces for human rights defenders, organizations and other social expressions facing repression due to their work supporting human rights.

PBI follows the principles of non-violence, non-partisanship and non-interference.

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