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Escalating agrarian conflict:

the situation in the Verapaces worsens

Spaces dedicated to resolving the worrying escalation of the agrarian conflict,¹ which is manifested in increased evictions of mostly indigenous communities, as well as cases of criminalization of land and territory defenders, are facing the highest level of closure since the signing of the Peace Accords.

This situation worsened considerably following the dissolution of the Secretary of Agrarian Affairs (SAA), whose functions were partially assumed by the recently created Presidential Commission for Peace and Human Rights (COPADEH). The Union of Peasant Organizations Las Verapaces (UVOC) and the Community Council of the Highlands (CCDA), both peasant organizations from the Verapaces who are accompanied PBI (the former since 2005 and the latter since 2018) are overwhelmed by the number of emergencies: evictions and threats of evictions; criminalization; imprisonment of community leaders; providing support to families; providing humanitarian aid to families who survived the recent storms but lost all their homes and possessions;² moral, economic and legal support to the families of murdered and disappeared members. All of this is in addition to their grassroots work in accompanying processes aimed at

recovering land for dozens of indigenous and peasant communities.

UVOC has registered 59 evictions since 2004 and currently estimates that 19 communities are at risk of eviction. In addition, they have registered some 1,000 cases of criminalization and provide legal representation to some 50 members of the organization in legal proceedings. Since 2011, 12 human rights defenders have been murdered and one person, Carlos Enrique Coy from Pancoc, Purulha, Baja Verapaz, has disappeared without, according to the organization, a serious investigation by the Public Prosecutor's Office (MP) into his disappearance.

Since 2018 CCDA has, unfortunately, lost seven members from murder and two who disappeared. In the case of one of the murdered members, two suspects were tried: one was released

and the other was sentenced to five years of imprisonment which were designated as commutable. Lesbia Artola, coordinator of CCDA - Las Verapaces Region, has raised strong objections to this sentence: "we see that the life of a human rights defender is worth nothing." Only a few weeks before this resolution, in October 2019, two members of the CCDA, Jorge Coc and Marcelino Xol, were sentenced to 35 years in prison for homicide, in a process that, according to their lawyer, is plagued with irregularities.³

CCDA has a current register of 1,024 cases of criminalization corresponding to arrest warrants against members of the organization, including 324 women. In addition, they are supporting six imprisoned human rights defenders and their families. This year they have registered six extrajudicial evictions and three "supposedly" judicial evictions (according to CCDA, the eviction orders contain illegalities), which have left 125 families in absolute destitution: without housing, land or food.

The killings, criminalizations and evictions have caused a lot of suffering in families and communities.⁴ In recent years, violent judicial evictions and

1 By agrarian conflict we mean the set of disputes over land interests and rights that have their roots in the historical structural conditions of land tenure and ownership configured in the country. The main economic activities that generate conflicts include agroforestry, hydrocarbon exploration and exploitation, mining, monocultures (palm oil and sugar cane), cattle ranching and energy generation and transportation.

2 The government approved States of Calamity in order to attend to the immediate needs of the affected families. However, one month after the storm Julia (October 2022), state institutions have not spent any of the Q540 million allocated in responding to the emergency and reconstruction work (in: Del Águila, J., Sin ejecutarse Q540 millones bajo estado de excepción, Prensa Libre, 8.11.2022). In addition, the accompanied organizations explain that state aid never reaches their communities. If it does arrive, it only goes to communities who are not claiming their land rights in recognition of their support for the economic projects installed in their regions.

3 Interview with lawyer Wendy López: ACÉRCATE, June 2021.

4 PBI Guatemala: Bulletin 39, August 2018 y *Now there is nowhere to plant. Life after eviction*, Bulletin 38, August 2017.



CCDA members demonstrating against evictions and criminalization in Coban, 11.05.2022.

evictions carried out by non-state armed actors have increased. Indigenous communities are expelled from their ancestral territories and, in most cases, this occurs in departments that dedicate large tracts of land to mono-culture export crops. The high rates of poverty and extreme poverty in these regions are closely linked to the lack of access to land experienced by the majority of the population. Land is concentrated in the hands of a few who principally produce mono-cultures.

According to the latest National Survey of Living Conditions (Encovi) 2014, Alta Verapaz is the department with the highest poverty (83.1%) and extreme poverty (53.6%) in the country.⁵

The emergence of the Association for the Defense of Private Property (ACDEPRO), created in 2019 by landowners in the Alta Verapaz region, has contributed considerably to the

worsening of the conflict.⁶ Its purpose is to “promote, exercise and protect the right to property,” from “international and national organizations that commit the crimes of trespassing and aggravated occupation and all related crimes against the private property of Guatemalans.”⁷ ACDEPRO has been very present on different television and radio channels, and has issued press releases and held press conferences, denouncing the lack of action by the authorities in carrying out evictions on land that it claims is occupied by people

5 Gonzalez, A., *Para cambiar una realidad, hay que conocerla: el caso de Alta Verapaz*, La Hora, 19.03.2022

6 For further information see: Solano, L., *La estrategia de despojo del territorio y los apologistas de la propiedad privada*, El Observador. Análisis Alternativo sobre Política y Economía No. 78.

7 Many of the association's pronouncements are available on their Facebook page (@acdeproGT).

from peasant NGOs. Organizations such as CCDA, UVOC and the United Peasant Committee (CUC) have faced defamation from this association, which accuses them of being “delinquents and trespassers” and belonging to “organized crime structures.” ACDEPRO is using hate speech to delegitimize the work of the leaders of these organizations in defending access to land and the labor rights of the indigenous and peasant population.⁸

The aforementioned peasant organizations strongly reject these accusations and vindicate their ancestral land rights in light of the dispossession they have experienced since colonial times - a right categorically rejected by ACDEPRO. The indigenous population have not only continued to lose territory, but they have also been forced to work for free for the landowners and the governments in power. It was not until 1945, during the government of Juan José Árevalo, that the congress abolished all types of forced labor.⁹

The strong inequality of land tenure in Guatemala is a result of the history of dispossession and exploitation of indigenous peoples. According to the Food and Agriculture Organization of the United Nations (FAO) “in Guatemala, 92% of small producers occupy 22% of the country’s land, while 2% of commercial producers use 57% of the land” (2017).

Alliance between CACIF and the MP

Another concern for peasant organizations is the creation of the Property Rights Observatory by the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF).¹⁰ The objective of this Observatory is “to promote respect for the human right to property in Guatemala by monitoring, systematizing and communicating cases of violations of property rights, using official information sources that allow transparency and support the actions of public institutions in charge of guaranteeing these rights”.

They signed a cooperation agreement with the MP at the launch. Six months later, on October 3, 2021, the MP declared it would “provide an effective and timely response to the Guatemalan population and ensure the protection of the human right to property, the Attorney General of the Republic and Head of the Public Prosecutor’s Office, Dr. María Consuelo Porras Argueta inaugurated the Specialized Prosecutor’s Office against the crimes of occupation, for the investigation and prosecution of the crimes of trespassing, aggravated occupation, alteration of boundaries and disturbance of possession.”¹¹ Between 2020 and 2021 the MP received more than 3.000 complaints related to the crime of trespassing/occupation.

The State has opted to address land conflicts through judicial channels, dismantling the state institutions responsible for finding peaceful and favorable solutions for all parties, created with the signing of the Peace Accords: the SAA, which was one of the commitments stipulated in the Accords, was disbanded in July 2020. Its functions

were transferred to COPADEH, a recently created presidential agency, which only has a directorate for attention to conflict which, in two years of operation, has taken on all the country’s conflicts, including those of a non-agrarian nature.¹²

From the SAA to COPADEH

According to Helmer Velásquez, UVOC’s political advisor, the SAA was a leading institution, created for the prevention and resolution of agrarian conflicts in Guatemala. It had a trained team dedicated to political-strategic design and implementation, providing assistance and intervention on the fair and equitable resolution of land disputes. The SAA’s “quality was improving, it had bilingual staff - which was a demand from the peasant organizations - and had a very extensive background, very good archives on land conflicts and was very well documented.”¹³

Although the SAA had its flaws, Velásquez says the institution had the capacity to resolve agrarian conflicts. Jorge Luis Morales, member of UVOC’s legal team, agrees. He describes the SAA as an institution that had the institutional will to intervene in and manage specific demands for land titles, despite the political difficulties.¹⁴

UVOC’s coordinator, Carlos Morales, and Jorge Luis Morales, have highlighted how, during the existence of the SAA, there were slow – but significant – achievements obtained, with an important impact on the lives of hundreds of indigenous and peasant families.

According to the peasant organizations, the replacement of the SAA by

8 FIDH, *Llamado Urgente: Guatemala: Estigmatización y difamación contra el CCDA y la Sra. Lesbia Artola*, 28.04.2020.

9 Rueda de Prensa de organizaciones campesinas, indígenas y sociales en Alta Verapaz, Cobán, 5.09.2022.

10 CACIF: *Cacif lanza el observatorio de derechos de propiedad*, Guatemala, 17.03.2021.

11 Noticias Ministerio Público, *Ministerio Público inaugura Fiscalía contra el Delito de Usurpación*, www.mp.gob.gt, 3.10.2022

12 In 2022, according to its work report of the second trimester 2022, COPADEH dealt with 83 national cases, 58 of which were agrarian in nature. It has only eight roundtables for dialogue to deal with these conflicts.

13 Interview with Helmer Velásquez, October 2022.

14 Interview with Jorge Luis Morales, October 2022.



PBI accompanies UVOC members to the Registry of Cadastral Information in Coban, 26.10.2022.

COPADEH has meant a reversal of the slow institutional advances resulting from the Peace Accords. According to Carlos Morales, despite the willingness of its staff, the Commission's management capacity is limited by the lack of resources for monitoring and assistance. Velásquez also says that this is a small unit considering the magnitude of the agrarian issue in Guatemala: "the institution is inoperative, we may be able to count on it, but the rest of the public institutions do not pay attention to it, they cannot respond to its requirements. They say, very honestly, that they do not have the capacity, nor the personnel, nor the possibility of going to the countryside."

Peasant and indigenous organizations are now worried about what the future holds, because after years of demanding their rights, they have found that the processes for recovering land are at the mercy of the political will of the governments in power.

However, they reaffirm their commitment to maintaining an open dialogue with the existing institutions, even if they falter and the challenges become ever greater. In the face of potential despair, they understand that their struggle for land and the defense of the territory has a long history. For this reason they will continue to organize and build networks, because, as Carlos Morales affirms, their struggle is for life itself, in dignity.

Evictions in the Verapaces

Forces from the National Civil Police (PNC) and the army have taken control of the region of Purulhá, Baja Verapaz as of November 18. They have surrounded the communities with 1,300 police and military personnel¹ in order to evict them.² The Center for Human Rights Legal Action (CALDH), issued a statement denouncing the repression and militarization that the Q'eqchi' and Poqomchi' Mayan peoples are experiencing in the municipality of Purulhá, where agents of the PNC and the Army are carrying out evictions in which violations of human rights and ancestral rights of the communities are being committed. The communiqué points out that these violations are occurring in communities that have been granted precautionary measures by the Inter-American Court of Human Rights (IACHR). In addition, CALDH have reported that the security forces will remain in place for between 8 and 15 days.³

The director of the PNC, Héctor Leonel Hernández Mendoza and the sub-chief of the Defense General Staff, Ardany Vinicio Bautista Fuentes, were questioned by representatives of the Pancoc and Monjón communities, who were evicted during the week of November 21-25, during a meeting organized by the deputies from Winaq and the Guatemalan National Revolutionary Unity (URNG) parties. Responding to the questions from the deputies, the director of the PNC assured that during the eviction of Wednesday 23 in the community of Pancoc, only the community representatives were present and they handed over the farm to the competent judge and the legal representative of the farmers, therefore according to the police director "no incidents were registered." General Bautista Fuentes assured that 400 army troops were mobilized at the request of the PNC, to provide perimeter

security, "we were not involved in the evictions, we kept our distance providing security to the officers." However, representatives of the evicted communities of Sierra de las Minas denied that the eviction of the two communities was carried out "without incident." To counter the officials' claims, they showed a photograph of a community member wounded by a bullet. They pointed out that the people had to flee their homes after being intimidated by the police who, they claim, entered the community at 3:00

a.m. shooting. They also accused the police and the military of having stolen food and barnyard animals to feed the troops who had been there since November 18. Before the end of the meeting, the deputies, officials from the security forces, the Human Rights Ombudsman's Office (PDH), the Presidential Commission for Peace and Human Rights (COPADEH) and community members agreed to continue with a dialogue to seek a structural solution to the agrarian conflict in Baja Verapaz.⁴

On November 25, the communities in resistance in the Sierra de las Minas reported that more than 150 PNC patrol cars arrived in preparation for the eviction of the Kalija, Moxante and Balamche communities, which are located on land claimed by former public officials from the government of the Patriot Party. The communities in resistance have called on the authorities to stop the militarization and evictions of hundreds of Q'eqchi' and Poqomchi' families. Coffee growing families in the Purulhá region have been trying to evict these Q'eqchi' and Poqomchi' families for several years now: currently 120 families (between 600 and 700 people) have already been evicted, are homeless and without food. Due to the fear caused by the military presence in this region, many people have taken refuge in the mountains.⁵

- 1 According to the Union Verapacense de Organizaciones Campesinas (UVOC), the number of these troops is higher, at 3,000.
- 2 Calles J., *Representantes de comunidades desalojadas en la Sierra de las Minas desmienten a la policía y al ejército*, Prensa Comunitaria, 25.11.2022.
- 3 Aguilar R. M., *CALDH condena desalojos por parte de la PNC y Ejército en comunidades de Purulhá*, elPeriodico, 23.11.2022.
- 4 Calles J., Op. Cit.
- 5 Calles J., Op. Cit.

The importance of good water management.

Interview with Sara Ortiz

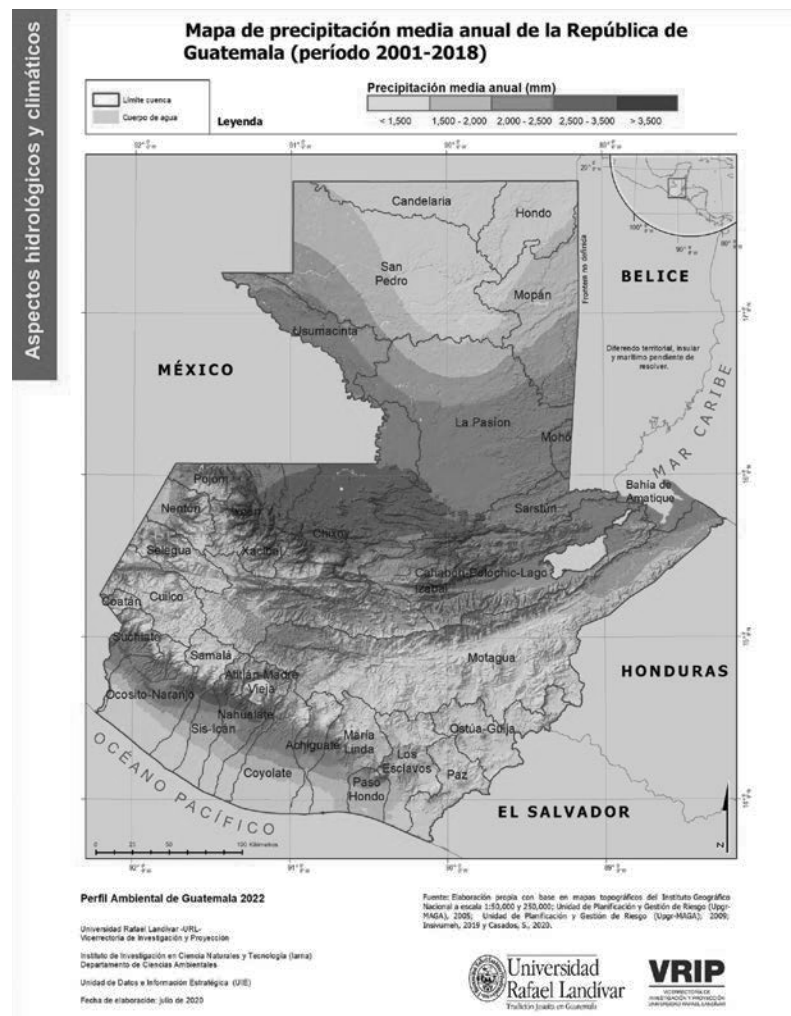
The RedSUR collective carried out several activities aimed at raising awareness of the water problem in Guatemala during the last quarter of 2022, as part of the campaign **Without Water There is No Life**. We met with Sara Ortiz, an engineer and researcher at the Research Institute of Natural Sciences and Technology (Iarna) of the Rafael Landívar University, at one of these activities and spoke to her about three key issues related to this topic.



It has rained a lot in Guatemala this year, but there are still many regions that suffer permanent water shortages. How do you assess the availability and access to water for the population in Guatemala?

The population has greater access to water during the rainy season,¹ although this varies across to the different territories. During the dry season, however, there are problems in the capital and the Dry Corridor (a region to the East and including parts of Quiché), as both regions are prone to drought. This situation is aggravated by climate change, which is already occurring here. It's not something that's going to happen in 20 years, it's already happening. This is precisely what is causing longer periods of drought, less rainfall in some places and, on the other hand, an increase in extreme weather events such as: floods, mudslides, etc. This not only affects people's access to water, but also their ability to maintain their livelihoods. A large part of the population depends on agriculture and both droughts and floods cause crop failures, which affects food security and income generation.

There are regions that experience year-round shortages due to the geographic distribution of water, while in other areas there is high availability. This is related to population growth and the increased use of water for various types of projects, such as agro-industrial plantations and other industries which affect the amount of water available to the population. In short, although the available water from rainfall is greater than the amount of water being used, it is not available across the country in a uniform manner and distribution is also affected by the seasons (rain/dry).



1 The climate in Guatemala is not characterized by four seasons, as in other parts of the world, but is divided into two: the rainy season (May to October) and the dry season (November to April).

In your opinion, what are the causes of water scarcity: population growth, infrastructures, ...?

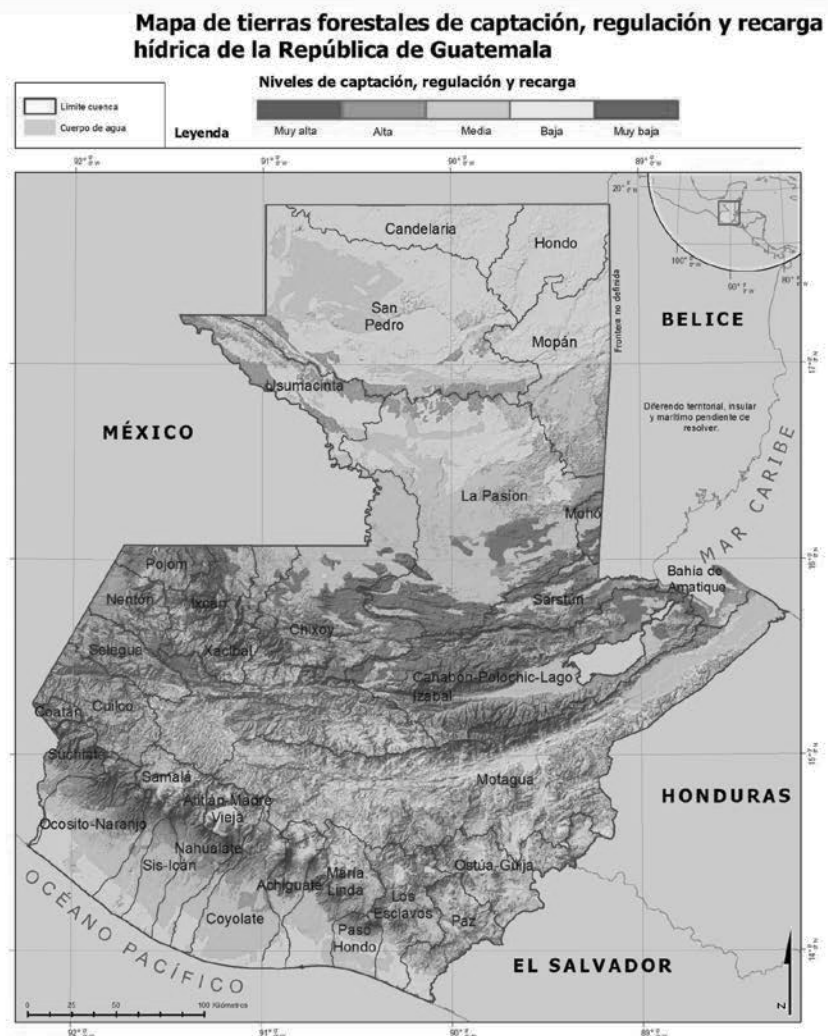
It is not necessarily population growth that causes the shortages, but rather the increase in urbanization and the soil being covered by materials such as concrete or asphalt. Obviously in this case the soil no longer has the capacity to filter water. This has been increasing a lot in capital city over the last 35 years, where urbanization has tripled. In 1975 there were 555 square km of urbanized area in the capital and by 2014 this had risen to 1,600 square km, which is having a strong impact on the filtration capacity of the soil.

The change of use and the loss of forest cover also affects the hydro-logical cycle, as eliminating the forest, for example, impacts the soil's capacity to reduce the flow of water, allow infiltration and regulate flooding. The forest still manages to absorb a good amount of water when it rains too much or too much over a short period of time; if there is no forest, the water runs off and reaches the populations with greater force, causing disasters such as floods.

Another aspect to highlight is water quality, and this has to do, for example, with untreated wastewater. It is estimated that approximately 95% of the water used in industry, specifically in agribusiness, as well as in private homes, reaches bodies of water without any type of treatment. This means that even with large bodies water, the water becomes unusable, because it would first have to be disinfected or, depending on its use, be treated.

By 2010, we were already aware that 18 of the country's 34 main rivers were polluted, which shows how this problem goes back many years. The

Aspectos hidrológicos y climáticos



Perfil Ambiental de Guatemala 2022

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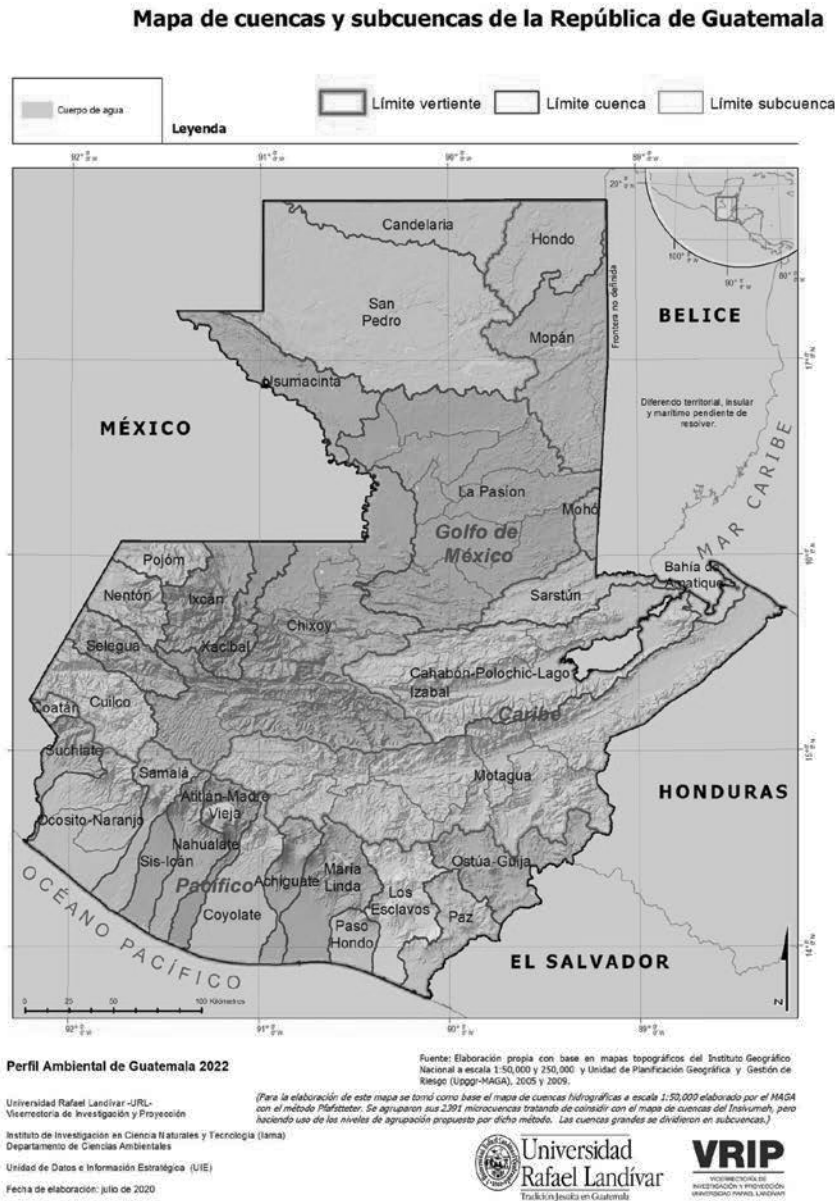
Fuente: Elaboración propia con base en mapas topográficos del Instituto Geográfico Nacional a escala 1:50,000 y 250,000; Unidad de Planificación y Gestión de Riesgo (Uppr-MAGA), 2005; Unidad de Planificación y Gestión de Riesgo (Uppr-MAGA), 2009; e Instituto Nacional de Bosques, 2017.



lakes are also highly polluted; the four largest – Amatitlán, Atilán, Petén Itzá and Izabal – were already showing levels of eutrophication.² The water flowing into the lakes is contaminated with fertilizers used in agriculture and erosion. This allows the growth of cyanobacteria,³ harmful algae and other chemical

reactions that cause visual affects (sometimes you see pieces of green “custard” above the lakes that do not allow the sun to pass through), but which also impact biodiversity, because the different species can no longer receive the same amount of oxygen and may die. Depending on what type of bacteria

2 According to the dictionary of the Royal Spanish Academy (RAE) this means the: “Increase of nutritive substances in fresh waters of lakes and reservoirs, causing an excess of phytoplankton.”
3 According to the dictionary of the Royal Spanish Academy (RAE) this is a: “Prokaryotic microorganism, provided with chlorophyll and other pigments that give it a bluish green color, capable of photosynthesis.”



not being regulated. One solution would be environmental payments, that is, countries which benefit could contribute a certain amount of money to ensure the maintenance of the watersheds, forest cover, water treatment, etc. This would also be of benefit to them, as it would ensure the necessary water in terms of quantity and quality.

Another aspect to take into account is watershed management. Only a few attempts have been made at this in Guatemala, but it is essential to pay attention to the patterns and limits of nature. For example, the movement of rivers and water in general does not respond to the political-administrative division of the country, so we cannot only talk about our own departments and that only the water here matters to us, because it is connected to everything else. A more efficient way to ensure adequate water management would be to work at the level of the water basins, which would allow us to cover the whole movement of water, from precipitation to when it runs off into the different rivers and lakes.

It would also be essential to have an inventory of water sources and users, because then we would know where water is available, who is extracting, using it and in what quantities. In this way its use could be regulated, something that cannot be done now because we do not know who is extracting it, how much they are extracting, what they are using it for, or if they are treating it.

or algae is reproducing, they can also produce toxins that cause damage to the health of people and animals that drink, or simply come into contact with, the water.

In addition there is solid waste, which is a visual problem. Trash is not being disposed of and we see this in all water sources: lakes, rivers and beaches. This is a problem that also affects water quality.

What specific aspects should a water law regulate so that there is greater control over the use of water in Guatemala?

There are several aspects, for instance, cross-boarder water sources should be regulated, because all the water that leaves Guatemala also benefits neighboring countries. Part of southern Mexico, El Salvador and some parts of Honduras use the water that originates here. This is

A somewhat controversial issue, which we would have to see how best it could be handled, is the idea of giving a monetary value to water. At present, water bills charge for distribution only and not for the resource itself, and this gives free rein to anyone to use it without limits. In the case of industries, particularly agribusiness, this means that they extract large quantities of water for their production processes in unlimited quantities since they do not have to pay for it.

Similarly, it would be important to talk about usage priorities. Since industry and agribusiness are the biggest users, they are taking the resource away from the communities, the general population and households. It would be necessary to regulate who can use it, in what quantities and decide what is more important: people's quality of life in general or increasing use in industry.

There is also a need for social awareness. All people should be aware of using water adequately, saving as much as possible and not polluting. For example, sometimes, due to lack of knowledge, batteries are thrown into the water, which

causes terrible pollution, as do cigarettes. There are a lot of things... solid waste management, for example. We could be encouraging the population to collaborate and try to avoid pollution as much as possible.

And finally, we must not forget wastewater treatment. It is essential to purify the water to make it drinkable, because nowadays there is nowhere in the country where you can drink water from the stream, the river or any other water source without putting your health at risk.

I believe some of these issues should be included in the water law.

Canalitos: historical struggle for water



Canalitos was originally an area of forest and agricultural plots.

The village of Canalitos is located in zone 24 of Guatemala City, about 10 km from the city center, and is made up of eight communities known as cantons. The communities have faced historic difficulties in accessing water. In October we visited the communities and their inhabitants who shared with us why they have always felt that their



Families who cannot afford additional water pipes, get their water by huacales y jerry cans from the public wells or look for “natural” water sources, even though these are contaminated by the sewage from San José Pinula that flows through the rivers to Canalitos. “The water is dirty, you can’t drink it or use it for bathing, but many people wash their clothes with it, because there is no other way”.

right to the water has been violated and how the situation has worsened in recent years. In November 2019, the Municipal Water Company of Guatemala (EMPAGUA) completely interrupted the water supply and the 39,000 people living throughout the eight cantons were left without water for three months. The situation was very difficult, according to a resident from canton Las Delicias (4,500 inhabitants),¹ who spoke with us while we visited the communal washing station which, at the time of the visit, had been empty for seven months: “we had no water at all;

the water they sent us in the pipes was dirty and we got sick; all of us women were sick to our stomachs. Then came the pandemic and they told us to wash our hands all the time, but with what? Nobody, no institution, cared about us and there are no hospitals here... and that’s how we got through the pandemic.”

At the request of members of the Community Development Councils (COCODEs) and the Unified Neighborhood Committee (CUB), the Human Rights Ombudsman’s Office (PDH) facilitated a dialogue between the municipality of

Guatemala, EMPAGUA and the affected population. Thanks to the insistence by representatives from the cantons, EMPAGUA finally began to send piped, untreated water to the communities. Two years later, on April 29, 2022, EMPAGUA and the Municipality started operating the C-4 Well. The following month, treated water became available and remains available, however its supply is very limited arriving only two out of 15 days.

“The struggle for water in Canalitos is historical,” said a community representative whose ancestors

¹ In October 2022 we visited Canalitos and met with their representatives, who shared the trajectory of their struggle with us. The people who gave us their testimonies asked us to remain anonymous for fear of reprisals.

were among the first settlers to the area. In 1720, the State granted land concessions, located on a forested mountain about 10 km east of the capital, to 20 families who had emigrated from the Verapaces: “they earned this right because they participated in different wars of the time”.

A couple of centuries later, during the Ubico government (1931-1944), many lands were expropriated and reassigned, along with adjoining lands to what is now Zone 16 of Guatemala City. These were communal lands (the Canalitos

ejidos) destined for food production for consumption and sale. In the 1950s, due to conflicts between neighbors, the community of Canalitos asked the municipality to adjust the boundaries of the land, but the municipality never resolved their request nor bothered to provide basic services such as roads, hospitals, water, etc. It was thanks to the efforts of the neighbors and international cooperation that they now have roads and wells.

As for the administration and control of water, this became EMPAGUA's responsibility: “our ancestors

always said that the municipality did not want to respond to our request [for distribution and delivery of individual land titles], because they considered Canalitos as part of their wealth. Now we understand they were right.”

Why Canalitos ran out of water

According to representatives of the COCODEs and the CUB, the water supply was interrupted in November 2019 because the water pump, for the only well that was working out of the five managed by EMPAGUA in



The communal basin in the Delicias canton has been without water for 7 months since the time of the visit in October 2022.

Canalitos, burned out. It burned out because there was no longer any water to pump due to declining groundwater. According to investigations carried out by the residents, this decrease in water flow is related to the construction of wells and a direct road to the residential neighborhood located in zone 16, bordering zone 24, by the company Acuífero San Miguel S.A.. In addition, the company currently wants to install electrical wiring to feed the water pump of a well that now runs on fossil fuels. They had to cut down hundreds of trees in order to carry out this work but they never bothered to obtain the necessary permits nor an Environmental Impact Assessment.

The PDH managed to summon the state institutions involved to participate in a round-table for dialogue that was created as a result of the 2019 water cuts, including the Ministry of Environment and Natural Resources and the National Forest Institute. They did not, however, manage to ensure the company comply with the legal requirements necessary for the construction works. In turn, the PDH demanded that the municipality of Guatemala take charge of supplying water to the population while the water pump was being fixed. The municipality contracted a private service to deliver a 200 liter barrel to each family once a month, when the average daily consumption is 50 liters. It is also important to note that the pump that was finally installed to replace the one that broke is three times less powerful than the previous one.

The company's offer: a "poisoned chalice."

The population is desperate, according to the people we spoke with, because EMPAGUA was providing such poor service. That is when the company Acuífero San Miguel S.A. appeared on the scene and told the people that it will provide water in exchange for permission to work on the power lines. So far only the Lourdes canton has accepted this offer, while the residents of the other cantons continue to resist the privatization of water

and demand that the corresponding state institutions fulfill their duty to guarantee access to drinking water.


"Here the water resource is becoming increasingly scarce. The impact that the company is causing on the aquifer is tremendous. The aquifer is already over-exploited; it is not a question of just using the water, it is being over-exploited.... And with this situation, what will be left for coming generations?"

A neighbor commented: "If you have the resources you can move to the interior of the country; but those of us who cannot go elsewhere are going to suffer without access to this vital liquid".

As a result of their activism, the inhabitants fighting for access to water in Canalitos are facing all kinds of aggressions. They have been robbed of several cell phones and a computer; they are being watched at their homes; they are being persecuted and abused; they are being intimidated with firearms and receive death threats. They have also suffered defamation on social networks. All this for demanding their right to water and the protection of water sources from the overexploitation caused by construction companies.

For more information on the water conflict in Canalitos and the irregularities committed by state entities and the company, we recommend the investigation conducted by Pia Flores in the digital media

Quorum.

<https://quorum.gt/> 

Council of Maya Ch'orti' Indigenous Authorities of Olopa

in Defense of Mother Earth

“We are defenders of nature, of our sister earth, our sister water, our brother forest. It is a very broad and huge task, defending and being able to discover what our ancestors, our grandparents cared for: everything that was nature, which is life for all human beings... they taught us to respect, to live together with mother earth, with nature. That has been lost. We have lost a lot... the forests and the water, we have polluted the water sources, the rivers, streams and ditches.”¹

Ten years ago, in the municipality of Olopa (Chiquimula), a 25-year mining license for antimony was approved in the name of American Minerals S.A. This was done without prior consultation with the communities that would be affected by the mining project. Since 2016, the communities, which at the time formed part of the New Day Ch'orti' Campesino Central Coordinator (CCCND), have demanded the closure of the project, as it represents a serious environmental problem with serious repercussions on the health of the people, as well as on the cosmovision of the Mayan people, for whom the care of nature is of utmost importance.

The arrival of mining

The Ancestral authorities from the Indigenous Council of Olopa and other community members assert that mining in this territory began approximately 35 years ago. Community journalist Norma

Sancir, who has been reporting on the struggles of the Ch'orti' people for years, explains that at that time the mining was mainly artisanal. Many people from the communities worked there without understanding the long-term environmental impacts, because at that time there was not much information or media, “but years later, after the mine was in the hands of the company, they brought in heavy machinery and leveled the hill. That's when people became concerned.”²

Ubalдино García, a community leader from Olopa, told us what his father witnessed: “when the mining started, people came and told us this was going to be a cooperative, so that the community would approve it. But, in reality it never belonged to the community, it was always private. At that time the ore was near the surface of the earth and as there was no road, they used to remove it on the backs of animals. Then they started digging

tunnels. The oldest record of a license application dates from 1987, as the mining law in Guatemala dates back to 1985. The miners did not manage to obtain a license then, they continued to mine illegally though. The communities have always been in resistance.”³

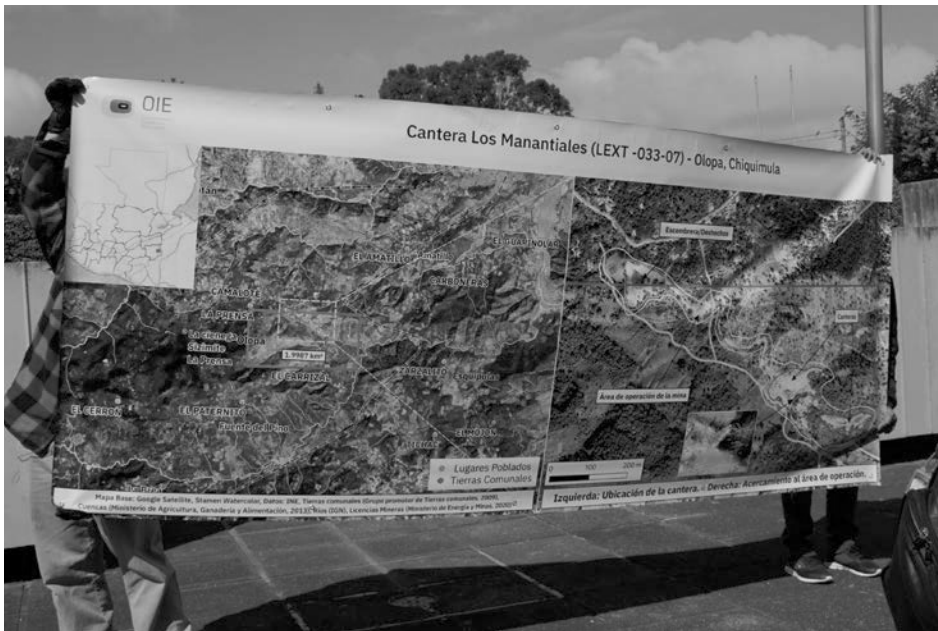
In 2007, the Observatory of Extractive Industries registered a license for exploitation which had been “requested by Guillermina Esperanza Guzmán Landaverry. The license originally sought the extraction of gold, silver, copper, platinum, lead, zinc and antimony. 4 months later, they requested a change for just antimony.” The license was approved in 2012, during the government of Otto Pérez Molina, without consultation with the affected population, as required by the International Labor Organization's (ILO) Convention 169.

Despite the opposition expressed by the communities, the mining company began operations in 2016. This led to protests. Francisco Ramírez, a member of the Council of Indigenous Authorities of Olopa, told how the Resistance was founded when the communities of Olopa realized the negative impacts the mine was having on the water and the environment. This private initiative promoted by the state was not the kind of development they had been promised. It had to be stopped before the damage became irreversible.

1 Interview with Francisco Ramírez, Ovidio Alonso and Blanca Hernández, Council of Indigenous Authorities of Olopa, October 15, 2022.

2 Interview with Norma Sancir, October 2022.

3 Interview with Ubalдино García, October 2022.



Geographical location of Los Manantiales Quarry, 18.01.2021.

“We wanted the company to respect our rights, because, as indigenous communities, we were not consulted. For some it meant development, but not for us. More than anything else, it meant the deterioration of our lives, our lands and our forests. And that is why we had to take action.”

Because of their work in defense of their rights, the community leaders began to receive death threats and experience intimidation, shots fired in the air and on the ground, and surveillance. In 2016 a prosecution process began against 21 people from the communities, but ended relatively quickly. The criminal prosecution ceased after two months when the judgement was deferred on condition that they would not approach the mine for a year.⁴

Another strategy of resistance to the extractive projects has been to seek legal recognition as indigenous communities

before the state of Guatemala, thus turning the community into a subject of law with specific guarantees. Following marches, sit-ins and arduous legal and bureaucratic procedures, during which they had to face racist attitudes and discriminatory treatment by the authorities, six Ch'orti' communities achieved municipal recognition in 2018. With legal accompaniment provided by the Nim Ajpu Association of Mayan Lawyers and Notaries, 14 of the 22 indigenous communities in the municipality of Olopa had been recognized by the beginning of 2020.

Suspension of the mining license

In November 2018, the Resistance pushed for an “in situ” inspection of the villages surrounding the mine by the Ministry of Energy and Mines (MEM) and the Ministry of Environment and Natural Resources (MARN), who would complete the Environmental Impact

Assessment (EIA). Three months later, MARN presented its EIA certifying that the mine did not comply with neither environmental nor legal requirements and requested the official suspension of the license and the immediate and definitive closure of the mine.⁵ Despite the constant aggressions, the Resistance declared itself in permanent assembly and installed two peaceful sit-ins at the two entrances to the mine, in order to ensure that MARN's decisions were executed.

In August 2019, the indigenous communities filed an injunction before the Supreme Court of Justice (CSJ), demanding their right to consultation in the face of the company's activities. At the end of 2019 the CSJ resolved this injunction by provisionally suspending the company's mining license. This ruling became final in 2021 and the MEM was obliged to carry out a consultation with the population.⁶ However, the MEM filed an appeal and to this day the communities are still waiting for the judicial resolution.

Recovering ancestral land titles

The Olopa communities have been fighting for the defense of their extensive territory since colonial times. Their ancestors had to buy the land from the colonial administration at the price of two *Tostones*⁷ per *caballería*, acquiring a total of 635 *caballerías*. In the middle of the XIX century they managed to acquire the deeds and the title for the property in the name of the *Común de Indios*, also called *Común de Naturales de Santiago Jocotán*.⁸ The territory included the municipalities of Olopa and Camotán (Chiquimula), La Unión (Zacapa) and Copán (in the neighboring country, Honduras). But later, in the

4 <https://dpej.rae.es/lema/criterio-de-oportunidad>: “Facultad del Ministerio Público para prescindir total o parcialmente de la acción penal en contra de una o varias personas a las que se les atribuye la comisión de un delito”.

5 PBI, *Criminalización de la defensa de tierra y territorio en el contexto de la crisis climática*, Informe Anual 2019, abril 2020.

6 Asociación de Abogados Mayas de Guatemala. NIM AJPU. *Comunidades Ch'orti' de Olopa reciben sentencia favorable de la Corte Suprema de Justicia*, 5 de agosto de 2021.

7 Tostón: coins minted by the Kingdom of Spain.

8 Arreaga, S., *Recuperadas tierras ancestrales*, Prensa Comunitaria/Chinam Ch'orti', 03.08.2020.



Doña Carmelita at the delivery of the amparo at the Supreme Court of Justice, 7.08.2019.

Women’s participation .

The work of women in indigenous communities is essential to the struggle. As human rights defenders, they not only participate in activities carried out by the communities during the sit-ins, but they also have assume responsibility for raising awareness about the situation in the surrounding villages.

The people interviewed say Doña Carmelita is a great fighter. She has been part of the Resistance since it began in 2016. She is an example of strength and courage. She spent days and nights at the sit-ins, facing threats and conflict: “She was there, ready to give her life for the community, defending the rights of our communities, families and children.”

The Resistance leaders tell us that, just like the men from indigenous communities, it is very important that women’s rights are respected and that women have their own spaces.

liberal period, this right was taken away and the land titles were transferred to the Municipality of Santiago de Jocotán.

Due to the above, the Indigenous Authorities of the Maya Ch’orti’ territory filed an injunction before the Constitutional Court (CC) in 2015

requesting the return of the co-ownership of the land. That injunction was granted and became final in July 2020. The municipality of Jocotán recognized the ownership of the land in the name of the Indigenous Communities but it ownership has not yet materialized for the Olopa communities.

In 2022, the indigenous communities of Olopa resumed their resistance activities, carrying out training processes to strengthen their organization and their struggle to restore and recover their ancestral right to the territory, to have their lands returned to them and to be recognized as subjects of rights.⁹

9 Interview with Ubaldo García, October 2022.



View of the Cantera Los Manantiales mine, September 2019. Courtesy of James Rodriguez.

PBI's accompaniment

Due to the alarming increase in security incidents throughout 2021, including defamation and criminalization processes against them, the Council of Indigenous Authorities of Olopa, on behalf of their communities, requested PBI accompaniment to protect them in their struggle to defend their territory. This request was made as an organisation independent from the CCCND. PBI began to accompany them from this time onward.

In October 2022, PBI was present at a workshop with the media from

Chiquimula. During the activity, the indigenous authorities called the media's attention to the need to support them and be willing to accompany them in the different activities, as well as to disseminate information inside and outside of Guatemala. They also shared their concern regarding the racism and discrimination they constantly face when dealing with the state administration, which is reflected, for example, in the fact that they are not attended to or are denied public information when they request it. Their main concerns continue to be the lack of right of access to their lands and the environmental and health

consequences caused by the installation of the mine.

Francisco Ramírez of the Council of Indigenous Authorities of Olopa, has called for the protection of our common home, Mother Earth: "We as defenders have been facing a monster that has been destroying our streams: the transnational companies are the ones that have been destroying our hills, our rivers, taking everything that is there, the greatest treasure that exists in our communities."

News of our work

We are concerned about the criminalization of human rights defenders

We have been raising concerns about the criminalization and judicial accusations Human Rights Defenders (HRDs) that we accompany have been subjected to for years now. They are accused of various crimes as a means of persuading them to abandon their work in defending rights. The processes of criminalization and prosecution against them usually include the following stages and actions: defamation campaigns by authorities and the media, spreading rumors that cast doubt on their legitimacy as well as personal and professional integrity; legal accusations; arrest warrants; detention and criminal prosecution to paralyze or inhibit their work in social processes defending nationally and internationally recognized rights.



A recent and exceptional case is that of the defender David Maxena, member of UVOC, who was acquitted after a criminalization and imprisonment process that lasted almost a year. Coban, 18.10.2022.

A study by the Human Rights Ombudsman's Office (PDH) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) highlights some of the patterns of criminalization of human rights defenders: identification of leaders to be criminalized (for example, using their participation in round-tables for dialogue), with the aim of weakening movements that defend human rights; involvement of non-state actors, businessmen or company employees in filing the criminal complaints; problems in access to independent and impartial justice as a result of the potential interests and connections between powerful local actors and the justice system; detention of defenders using disproportionate force; failure to present arrest warrants and, in some cases, arrests by plainclothes police or private security agents. When alternative measures are applied the

level of bail is set too high for most people to afford. In several cases, the prohibition on participation in activities related to the defense of human rights has been imposed as a requirement for conditional release.¹

Criminalization and other aggression against human rights defenders have an impact at various levels including individual, family, organizational and community.² These acts put the democratic spaces in which human rights defenders act at risk as well as shrinking the number of those spaces. They send the message that defending rights implies a high level of risk, spreading fear and weakening civil society organizations working in defense of human rights.³

All of the organizations and collectives that PBI accompanies currently face criminalization and legal proceedings. Two of the requests for accompaniment we have received in recent years, from Multisector Chinautla and the Community Council of Retalhuleu (CCR), were motivated by the fact that several of their members were (and still are) facing criminalization/legal proceedings. This was also the case of the Association of Residents Against Corruption in Patzicía (AVCCP), who we accompanied for a year and a half before the criminalization process against its leader Carlos Sajmoló ceased. However, this case is an exception because criminalization is ongoing in the rest of the organizations we accompany and new cases have emerged.

- 1 OACNUDH y PDH, La situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad, Guatemala, 2019.
- 2 For more information on criminalization and its impacts at the personal, family and community level, we recommend reading our Bulletin 39 (August 2018), dedicated entirely to this topic.
- 3 OACNUDH y PDH, Op. Cit.

The case of Justino Xollim⁴

Justino Xollim, community leader from Finca La Primavera (San Cristóbal, Alta Verapaz) and member of UVOC, was arrested on 15 February 2019 in Cobán, when he went to the Public Prosecutor's Office (MP) to file a complaint against a logging company for illegal logging. The arrest warrant stemmed from an accusation made against him by people linked to the company.

In August 2019, Justino was indicted for crimes against forest resources in the *Chico* and *Saq'ix'm* hamlets of the *La Primavera* community. The judge set bail at 8,000 Quetzales, allowing him to await trial under house arrest. Three and a half years later, in August 2022, the Court of Cobán held a trial for the human rights defender, convicting him for crimes against forest resources with a sentence consisting of one year in prison with the possibility of a commuting the sentence at a cost of five Quetzales per day and a fine of 60,500 Quetzales.⁵ Thanks to the support of his community, Justino managed to raise the money to avoid prison and in a year's time he will be able to recover the citizens' rights that are currently limited.

Justino's case is a clear example of how criminalization is used to



Justino Xollim in his nursery garden.

dissuade defenders from continuing their work. He is one of the leaders of *La Primavera* who participated in negotiations with the family that owns the farm and with the company Maderas Filitz Díaz, which had previously bought part of the farm. UVOC accompanied the leaders from *La Primavera* during the round-table for dialogue where this negotiation took place. During this process they succeeded in securing the ownership of 15 caballerías. This land, however, has still not been distributed or registered among the 279 families, descendants of the farm's settlers.

The latter process (distribution and cadastral registration of the land) has

been hindered by an intra-community conflict driven by neighbors of the community who are linked to the logging companies and who have attacked, threatened (including death threats), intimidated and falsely accused human rights defenders such as Justino. In 2015, 48 arrest warrants were issued against residents of *La Primavera*.

At PBI we observe the criminalization processes faced by communities and organizations defending human rights and we raise awareness about these through physical accompaniment, advocacy with authorities (national and international) and our publications.

4 Boletín 30 (2013), documentaries *Land of Corn* (PBI 2015) and *De lucha nos crecimos* (PBI 2021) as well as the Special Report *We Defend Life! The social struggles in Alta Verapaz* (May 2020).

5 PBI Guatemala, *Criminalization of a community leader*, 2022.

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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Photos: PBI Guatemala

**Cover photo: Eviction of the Chicoyogüito community,
31.08.2022, Courtesy of Prensa Comunitaria**



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