

Commemorating 10 years of community consultations in defense of land and life



Communities from Santa Cruz del Quiché unanimously vote against resource extraction. Photo credit: James Rodriguez

It is our tradition that everyone in the community comes together to make decisions. When people realized the harm that was being caused by mining companies, we used those decision-making practices and held a community consultation. *Maudillia López Cardona, Catholic Parish of San Miguel Ixtahuacán, San Marcos*

For generations, indigenous communities in Guatemala have held consultations to make decisions on issues affecting their people and their lands. While the signing of the Peace Accords in 1996 facilitated the adoption of national laws and international agreements that recognized the particular rights of indigenous peoples, the post-conflict neoliberal economic model prioritized resource extraction — a practice fundamentally at odds with upholding these rights. Specifically, the 1997 Mining Law weakened oversight and lowered royalty rates for mining companies, and the 2005 Central American Free Trade Agreement further established foreign direct investment as a pillar

of the Guatemalan economy. Transnational mining and hydroelectric companies were given free rein to begin operations without the consent of impacted communities, and they quickly gained access to huge swaths of land in order to carry out resource exploration and exploitation activities.

In a land mass comparable to Tennessee, over 360 mining licenses have been issued and more than 600 are pending.

Glamis Gold was one of the first companies to take advantage of this new landscape and in 2005 began operations at its Marlin mine in the department of San Marcos. Goldcorp Inc., one of the world's largest gold mining companies, purchased the license from Glamis the following year. The particular ways in which Goldcorp spun its corporate social agenda in the Guatemalan media, intentionally creating social division within affected communities and vilifying those who organized in resistance to the mine, would serve as a model for other transnational resource companies in the years to come.

It wasn't only the arrival of transnational mining to the highlands of Guatemala, however, that would alter the post-conflict trajectory of the region. Indigenous communities began to use their ancestral decision-making practices as a form of resistance to the company. Exercising their rights outlined in the agreement on Identity and Rights of Indigenous Peoples in Guatemala's Peace Accords, the American Convention on Human Rights, the International Labor Organization Convention No. 169, and the United Nations Declaration on the Rights of Indigenous Peoples, communities began to hold local referenda in order to make their opposition to the projects known.

A resounding 'NO' to mining over the course of a decade

On June 18, 2005, Sipakapa communities neighboring the Marlin mine organized one of Guatemala's first popular referenda on mining. Out of the 2,400 people who participated, more than 98% voted against the mine. Organizers fully expected the Guatemalan government to revoke the license, but while Guatemala ratified ILO Convention No. 169 in 1996, the government refused to acknowledge the legitimacy of the consultation or take actions to respect the decision of the people. Nonetheless, the referendum resonated with other communities in the highlands who were facing similar situations, and it laid the groundwork for dozens more consultations to come.



Valuing the voices of children, a boy signs the register after having voted against mining in Uspantán. Photo credit: NISGUA

Consultations are a way to make decisions on issues that will affect people's territory. We have always held consultations, and for communities, they are the law. Consultations have allowed people to become more informed about their reality, and to take a stand on the defense of territory. Nevertheless, economic, racist and colonial interests do not allow communities to decide what happens on their land. Natalia Atz, CEIBA

These first consultations strengthened a movement for self-determination and resistance to mining across the country. Over the next ten years, over 80 consultations have taken place in 11 of the 22 departments of the country.

Many of the consultations are celebrated annually, reaffirming the demands of the communities as they continue to face exclusion from the decision-making processes that affect their territories. These acts of indigenous resistance and the expressions of people power have been a source of inspiration for movements for self-determination throughout the country and the world. Non-indigenous Guatemalans have also organized community referendums, using municipal and Constitutional legal frameworks to claim their civil rights and determine their own forms of development.



Overlooking Tahoe Resources' Juan Bosco license. In 2013, the community of San Juan Bosco voted against mining; nevertheless, the company continues with development plans for its second mine in the region. Photo credit: NISGUA

Criminalizing those that speak out

During the internal armed conflict, the Guatemalan government targeted students, teachers, organized labor, campesinos, indigenous, and other community leaders with a range of repressive tactics, including outright forced disappearance. Now, in times of so-called peace, criminalization and imprisonment are used as calculated tactics to accomplish many of the same goals of Guatemala's violent past.

Dozens of activists and leaders who have organized community consultations now face legal persecution and detention based on cases built on shaky evidence and trumped up charges. More than 90 people who have organized against Tahoe Resources' Escobal mine in the department of Santa Rosa have suffered criminal charges related to their resistance. In all but one, the cases were thrown out before going to trial. However, the threats of arrest as well as the many months spent in pre-trial detention have taken an incredible economic and psychological toll on affected individuals, families, and communities. The scale and tactics of repression may have changed since the armed conflict, but the end goal is the same: destroy community leadership and instill fear in those who continue to defend their land.

Indeed, cases of criminalization of land defenders have grown steadily since the arrests in 2007 of seven men from San Miguel Ixtahuacán, San Marcos. In that case, all were active leaders in the resistance movement against the Marlin mine and played roles in organizing the local community consultation. The next year, another eight women and one man were issued arrest warrants after one of the women damaged power lines destined for the mine and installed on her land without her consent.

Those of us in Nueva Santa Rosa were the first people in the region to organize a community consultation. The company and the government realized that consultations were closing the door for [Tahoe Resources' subsidiary] Minera San Rafael to enter the communities, and so they tried to instill fear into us by imprisoning our people without any cause. But we're in it for the long haul. We'll continue to resist until the end.

Celeste Gutierrez, CODIDENA



Celeste stands in front of her home in Guadalupe, near Tahoe Resources' Escobal mine. Photo credit: NISGUA

These arrests are part of a larger context of corruption in the Guatemalan justice system, as was revealed by recent investigations by the International Commission Against Impunity in Guatemala (CICIG). The UN-backed commission recently exposed major corruption scandals in the justice, tax and health care systems, provoking national protest. These mass mobilizations led to the resignation of the Vice President and continue to call for President Otto Pérez Molina's resignation. The revelations also led to multiple investigations of judges on charges of corruption and other crimes, reaching as high as the High Risk Crimes Court and Supreme Court.



Rogelio Velásquez and Saúl Méndez, land defenders from Barillas, are arrested on charges of terrorism. Photo Credit: Gustavo Illescas

Within this context, resource extraction companies intentionally manipulate a weak justice system with widespread impunity when they actively seek the detention of those who oppose their projects. Many of these cases result in the long-term imprisonment of land defenders while awaiting trial; in some cases, the manipulation of the law leads to a conviction.

In the case of Barillas, Huehuetenango, the Spanish company Hidra Santa Cruz pressed charges against dozens of community members opposed to the company's Cambalam hydroelectric projects. In one case, the judge moved the case forward at the request of Hidra Santa Cruz even after the state prosecutor argued that insufficient evidence existed to proceed.

Eight men from Huehuetenango are currently in prison on charges that include terrorism, kidnapping and inciting violence; two of the men were sentenced to 33 years in prison and after a successful recent appeal, continue to await a new trial.

At this time, there are at least 15 political prisoners in Guatemala — men who are imprisoned for their political beliefs and actions in defense of their communities and their land. This number increases dramatically when including the women and men who have spent days or even months in pre-trial detention before being released without charge.

Who is going to pay for all of the costs that we have had to suffer from “development,” for a project that we never asked for in our community? Who will return to the families all the years taken from the men who have been incarcerated? We know that no one will give back to us those who have been killed. Cecilia Mérida, in a statement made before the World Bank about the Bank's financing of the Cambalam dams

Remilitarization to protect corporate interests

Widespread criminalization takes place alongside the remilitarization of communities. Reminiscent of the internal armed conflict, the Guatemalan government remilitarized the municipality of Barillas and surrounding areas on May 1, 2012 after protests erupted following the murder of Andrés Francisco Miguel and the attempted murder of Pablo Antonio Pablo and Esteban Bernabé Gaspar. All three men were actively opposed to the hydroelectric dam, and were attacked by company employees. The government enacted a state of siege and deployed more than 8,000 military and police to the region, suspending civil liberties for 18 days and cracking down on organized opposition.

One year later, on May 2, 2013, the government used the same strategy when responding to increased protests near Tahoe Resources' Escobal mine. President Otto Pérez Molina implemented a state of siege in four municipalities surrounding the mine, sent more than 3,000 police and military to the region, suspended certain civil liberties, and ransacked the homes of known leaders.

Teresa Muñoz was one of the leaders for whom an arrest warrant was issued. Forced to flee from her home, she spent seven months in hiding before charges were finally dropped and she could return home.



Teresa stands in her home in San José la Sierra, near the Escobal mine. Photo credit: NISGUA

The President sent a large quantity of soldiers and police to our municipalities, as if there was a war going on. The government's humiliation and oppression continues by way of the military bases that are still operational in our territories.

But we continue to stand firm. They thought that by oppressing us, they would silence us. They thought that by criminalizing us, they would silence us. On the contrary, the voices of those who were criminalized now reach even further. We will never accept mining companies in Guatemala, because life does not have a price. It will always be worth more than all of the gold in the world. We will continue to defend life, because nature, water and land are life, they provide for us, and we will continue fighting, defending what is ours.

Teresa Muñoz, human rights defender

Communities in the U.S. and Guatemala remain firmly in resistance

Over the past decade, Guatemalan communities have stood up in defense of land using their ancestral and community decision-making processes. This movement for self-determination has been diverse and creative, requiring the unity of many voices to confront the heightened criminalization and targeting of those who speak out.

In honor of the 10 years of community consultations in Guatemala, organized to protect land, culture, and livelihood, we look to our own communities in the United States who are also defending land and community, seeking healthy spaces to live and work that will sustain future generations. We gather inspiration from Guatemalan movements for self-determination by placing people, culture and the integrity of the land at the center of our decision-making processes. As we continue to stand up against impunity, racism, and U.S. imperialism, we look to Guatemalan movements for self-determination as powerful experiences to learn from. They are models in which, united, the community decides their own way forward and their own connection to each other and the land.

Communities in Guatemala continue to remind us, "We're still here. We're still in resistance." And so are we.

In the face of a storm, some animals go underground and bury their heads. But eagles fly above the storm. We need to be like the eagles... with this storm upon us, we choose to rise higher, knowing that our struggle is one that has value and dignity.

Teresa Muñoz, San José la Sierra



Some of the many people in opposition to Tahoe Resources' Escobal mine.

Photo credit: NISGUA



Women line up to vote in the 2009 community consultation in Cunén, Quiché. Photo credit: NISGUA

Our 2015 Summer House Parties Celebrate 10 years of Community Consultations

This summer, we invite you to join in celebrating the ancestral practice of community consultations in Guatemala and the 10 years it has been used as a strategic tool to defend lands against the imposition of mines and hydroelectric dams. During the past decade, NISGUA has bore witness to more than 70 community consultations held throughout the country. As a network, we have been inspired to apply the lessons learned in Guatemala to strengthen movements for community-led development and self-determination in the U.S.

As we come together to celebrate 10 years of consultations, we also honor the countless men and women who have suffered repression, violence and criminalization as a result of their participation in this historic movement. Hand in hand with the Guatemalan government, transnational companies have worked tirelessly to invalidate the results of the referenda and undermine the communities that have stood up for their right to self-determination.

Today, eight community leaders from Huehuetenango who played key roles in the organization of consultations in their territory are in prison. These husbands, fathers, brothers and sons stood up to demand respect for the results of the consultation even as state violence and repression mobilized to impose the projects against communities' will. In total, there are at least 15 political prisoners currently in jail in Guatemala.

In many cases, particularly that of Saúl Méndez and Rogelio Velásquez, the persecution goes on for years. In 2012, before being freed for lack of evidence, the two men spent eight months in pre-trial detention despite the fact the legal maximum is three months. Shortly after being released, Saúl and Rogelio were re-arrested, sent to trial and, in a process plagued with irregularities, sentenced to 33 years in prison. In April, the men won a special appeal that annulled the sentence, however they have not been released from pre-trial detention while awaiting a new trial.

During this summer's house parties, we invite you to stand with the political prisoners from Huehuetenango. Unfortunately, the number of those imprisoned continues to grow. Take action to support: Rigoberto Juárez, Domingo Baltazar, Sotero Adalberto Villatoro, Francisco Juan Francisco, Arturo Pablo, Hermitaño López Reyes, Rogelio Velásquez, and Saúl Méndez.

Organize a House Party and Take Action!

House party guests will be invited to:

1. Send a letter to the political prisoners. Your words of encouragement and solidarity are extremely important during this difficult time. Feel free to write in Spanish or English - NISGUA will ensure translation and delivery.
2. Send a letter to the U.S. Embassy in Guatemala expressing your concern for the growing manipulation and corruption of the Guatemalan justice system in order to persecute human rights defenders. Please return all letters to NISGUA's U.S. office for delivery in Guatemala.
3. Celebrate, find inspiration, and draw connections from the community-based movements for self-determination occurring throughout Guatemala.
4. Gather, share food, build community with other local activists, friends, and family strengthening our home network for justice and social change.

House parties are currently planned for the following cities. Will you add your city to the list?

San Francisco | Madison | Portland | Toronto | Austin | Seattle | Los Angeles

Contact organizer@niscgua.org if you are interested in hosting your own house party and we will send you the materials you will need, including letter templates for the Huehuetenango political prisoners and the U.S. Embassy in Guatemala.